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MEMORIALS

PART I. FAMILY AND PERSONAL





MEMORIALS

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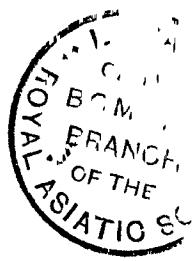
1766-1865

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aL

BY

ROUNDELL PALMER
EARL OF SELBORNE

'For they that say such things declare plainly that they seek a city.'



VOLUME II

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CHAPTER XXXII

PUBLIC AFFAIRS

1847–1848

THE Parliament elected in 1847 met for an autumn session; in the course of which I made, early in December, my first speech in the House of Commons. It was upon some passing question relating to the natives of New Zealand. I had then, as I have always continued to have, a very strong feeling as to the wrongs done, in the name of civilisation, to those native races, whom European colonists have dispossessed of their lands, corrupted by introducing forms of vice before unknown to them, and provoked by aggressive acts into wars, tending to their extermination. I was extremely sensitive as to anything like a participation of Great Britain in such injustice; especially when so fine a race as the Maoris of New Zealand were concerned; and my friendship for Bishop Selwyn, and my interest in the great work in which he and his fellow-labourers were actively and successfully engaged, contributed to make me impatient of all views of colonial policy

which seemed to have an opposite tendency. What I said on that occasion was short, and of no pretension; but it pleased my Father; and he was also pleased to hear, from a friend who was present, that it made a not unfavourable impression upon the House.

My friend Godley wrote to me on the 19th of December 1847, saying he was "delighted to see that my maiden speech was made upon New Zealand affairs," because he hoped to interest me, and induce me (as far as I could) to interest others whom I might think likely to co-operate, in his own project of colonisation upon higher than the ordinary principles, as explained by him in a letter of the preceding day's date, which he enclosed:—

I wish (he said, in that letter) to bespeak your consideration of a plan in which I am much interested, and which I hope to prevail on you to assist me in promoting. It has long been an object of my ambition to assist in reviving the principles of colonisation, which involve the transplantation of society from old to new countries, in something of an organic form, so as to reproduce the institutions, ecclesiastical and civil, of the mother country, exempted from the evils which appear to attend invariably on an old and effete civilisation. In studying the history of colonies, I have become convinced of the fact, that merely economical motives, such as the fear of poverty and anxiety for improvement in material well-being, are not sufficient to constitute what I may call the leading ideas of good colonisation. There can be no doubt, that those emigrating from such motives will "do well," in a temporal sense,—far better, most likely, than they would have done at home. They will form communities, such as exist in Australia and the Western States of America, flourishing, prosperous, and progressive in flocks and herds, corn and wool, eatables and drinkables; but they will remain, in all the higher elements of

civilisation, at best stationary, and probably retrogressive. They will have little education, and less religion; and will only serve to exhibit, in an aggravated form and an extended sphere, the worst characteristics of our age and country. Wherever opposite and higher principles and motives have prevailed in the formation of a colony, and in proportion to the degree in which they have prevailed, the state of the young society has been satisfactory, in the sense which I consider most important. In the colonisation of New England, for example, of Maryland, of Pennsylvania, and of French Canada, there has been from the beginning a predominating element of a moral and religious kind. Men left their country, not in order to get rich, but to secure religious freedom, or to live under congenial civil institutions; or, at any rate (as in the last case to which I have referred), the leaders of the colony were religious men, anxious *primarily* to stamp the rising colony with a definite religious character. These all acquired and preserved, more or less, according to circumstances, and to the character of their respective modes of faith, a high degree of religious civilisation; and have approached, more or less nearly, to the idea of what a colony ought to be. Now, this kind of emigration has gone out of fashion of late; and I, for one, am anxious to see it revived and improved upon; nor do I see why successful efforts should not be made for that purpose, notwithstanding the altered circumstances of the times.

I wish to see a colony leave these shores, composed of men professing the same faith, members of the same communion, and anxious to realise the idea of ecclesiastical unity in a field where no obstacle would exist to prevent their doing so. I think the present time eminently fitted for carrying out such a plan. I think there are numbers of individuals, in all classes of society, who are uneasy here; who not only do not see their way to a comfortable subsistence for themselves and their families, but who are not satisfied with the present state, or future prospects, of the Church. I am far from meaning, that the proposed colony should consist solely of discontented Churchmen;—I speak of existing dissatisfactions, only as likely to supply one source from which we may expect recruits. Besides this, colonising enthusiasm (which is an instinct with Englishmen),—

the wish to realise in a measure a state of things which may be Utopian,—confidence that the drawbacks which have hitherto alone prevented many religious men from emigrating will be removed,—all these causes will, it may be hoped, co-operate in promoting our design, and induce men of all classes to join in it.

Impressed with these views, I have been in communication with the New Zealand Company, who possess an unlimited quantity of fertile land in the finest climate in the world; and who have eagerly consented to accept this idea, and to promote it by every means in their power. They offer to devote a large tract of country, forming a province in itself, and very favourably situated, to the formation of a Church colony; and to act as trustees for the employment of the funds supplied by the purchase-money of the land (which would be sold by degrees, as purchasers should offer), in promoting the civilisation and progress of the colony, according as the wishes of the colonists might direct; as *e.g.* in Church endowments, in local improvements and works, and in the importation of labourers. The Company, be it understood, as a corporate body, is non-religious (though many of its members and directors are as anxious as possible to promote this matter from higher motives than those of gain), and would consider the affair commercially; looking to receive a certain, though small, share of the price of the land; four-fifths of which would be employed as I have described.

The next step must be the formation of a Society, composed of men desirous to further the plan, but who should not (at least necessarily) be themselves colonists; including especially men prominent from station and character, who take a strong interest in Church matters, and who would be able to recommend influentially the plan to their friends and the public. I should wish a strong High Church colour to be given to the composition of the Society or Committee; but this of course must be (if considered possible or desirable) not expressed, but understood. If we succeed in getting such men as I hope for to take a real interest in the project, we shall form what has not been seen since the days of Elizabeth,—a community exclusively attached to the Church of England; in which her constitution and discipline may be developed under peculiarly favourable circumstances, and where it may be expected that, for an indefinite time to come,

dissent will be unknown. I have little doubt that, by degrees, the influence of our Society will, if success attend its first efforts, be extended, so as to pervade and mould all the proceedings of the New Zealand Company; and that we shall thus rescue the whole of those magnificent islands from becoming what our other colonies now are—hotbeds for the growth, and battlefields for the collision, of every sect that disgraces the name of Protestantism.

I was prevented by several causes from taking an active part in the promotion of this most interesting experiment. I had seen the wisdom, even then, of not connecting myself nominally with associations or undertakings, in which I could not expect to be of much practical use without sacrifice of the time necessary for prior duties; I could not embark money in the scheme; and I was unable to place the same confidence which Godley did in Mr. Edward Gibbon Wakefield, a very clever and enterprising man, influential with the New Zealand Company, whose co-operation Godley had succeeded in obtaining, but on whose reputation some circumstances of his earlier life had left a cloud. But though I gave him nothing more than sympathy, others, whose support was at that time of more importance, took up the plan with a zeal almost equal to his own, and, with him, carried it to a successful result in the foundation and settlement of the Canterbury colony; a noble achievement, which was destined to be the great work of Godley's life. Among these, were several men since well known in public life: Charles Bowyer Adderley, now Lord Norton; Sir Walter James, now Lord Northbourne; and, above all, George William, Lord Lyttelton. In the original colony, the conception of

religious unity, upon the principles of the Church of England, was strictly adhered to; and although that "indefinite time to come," for which dissent was to be unknown, has long since passed away, I am assured, on very good authority, that the Canterbury settlement is still pre-eminent above the other provinces of New Zealand, for that stamp of the higher civilisation which it was my friend's object from the beginning to impress upon it. At the end of 1849, Godley himself went out to New Zealand, and performed in his own person the work of an ancient Greek *oekistes*, or founder.

The ecclesiastical discontents to which Godley in his letter alluded ran high at the end of 1847. It was then that Dr. Hampden was nominated by Lord John Russell to the See of Hereford; a nomination which revived the controversies of 1836. Archbishop Howley, whose primacy was near its close, and not less than sixteen other Bishops, addressed a remonstrance to the Premier, but in vain. A prosecution for heresy in the Diocesan Court of Oxford was attempted; and Bishop Wilberforce, by seeming at first to give countenance to it, lost some part of the favour at Court which he was understood to have previously enjoyed. But Bishop Wilberforce, on perusing (for the first time, as I think he said) the *Bampton Lectures*, on which the charge was founded, came to the conclusion that it could not be maintained; and so that opportunity of trying the question was lost. The *congé d'élire* was issued, and the Chapter of Hereford (their Dean, Dr. Merewether, dissenting)

elected Dr. Hampden. Then arose the question, whether the constitutional law of the Church might not still, in the next stage, of "Confirmation," enable opponents tendering against him, in proper form, a sufficient allegation of the ecclesiastical offence imputed to him, to delay his confirmation and consecration, until the truth of the matter, so alleged, should have been tried. This was a question of grave moment, independently of the merits of the accusation in that particular case,—as was, indeed, made plain by another case which arose about the same time, in which a nomination to another vacant bishopric was opposed (under a misapprehension, not wilful, of facts afterwards satisfactorily explained) on moral grounds. If no investigation could follow any opposition, properly made, in answer to the question solemnly addressed to all present, whether they had any cause to show why the Bishop-elect should not be confirmed, the whole ceremony of "Confirmation" must be something worse than an empty form,—an unreal mockery; and the principle of law, that where there was a wrong there must be some remedy, would seem to be disregarded. The statute of Henry the Eighth, compelling under penalties the election of the person recommended by the Crown, but silent as to his "Confirmation" (which it left to proceed in what had previously been the regular course), increased, rather than diminished, the force of those considerations. On the other hand, nobody was able to show, from precedents, in what manner the investigation of objections offered at the time

appointed for the confirmation of the Bishop-elect was to be made, if any such investigation there could be. I was consulted by Dr. Moberly on this subject, in November 1847; but I could contribute nothing useful towards the solution of the problem. It came, upon an application for a mandamus to compel the confirming authority to try the matter objected, before the Court of Queen's Bench; where Lord Denman and Mr. Justice Erle held that the election must be confirmed notwithstanding any opposition, and without any inquiry; while Sir John Coleridge and Sir John Patteson considered that the mandamus ought to issue,—not as, in that stage, finally determining the question; but to enable it to be solemnly argued and decided when a "return" was made to the writ, so that (if necessary) it might be brought, for final determination, before the highest tribunal. In ordinary cases of applications for mandamus, when the Court was equally divided, it had been usual for one of the judges, whose opinions were adverse to the application, to withdraw, in order to give opportunity for the further consideration of the point of law in a later stage; but, in this case, neither Lord Denman nor Mr. Justice Erle would withdraw, and the application for the mandamus therefore failed, simply for want of a majority. Nothing could be less satisfactory than such a result; the reputation of Sir John Coleridge and Sir John Patteson, as very learned lawyers, was higher than that of Lord Denman, and not inferior to that of Sir William Erle; and, if it might be said (truly), that they were both staunch

Churchmen, it was also true that Lord Denman and Sir William Erle were both staunch Whigs, and supporters of the ministry of the day. No case has since arisen in which a similar question has been brought into Court. If any such case should hereafter arise, the refusal of a mandamus by an equally-divided Court in 1848 could hardly be regarded as having conclusively settled the law.

The dissatisfaction felt by most Churchmen of the higher school at this denial of any legal remedy, however serious a case might be alleged against the confirmation and consequent consecration of a Bishop-elect, seemed likely, at the time, to result in some attempt to amend the law. Dr. Moberly wrote to me on the 9th of January 1848 (while the issue was uncertain), saying that, in the event of the ceremony of confirmation of a Bishop-elect being determined "to be a mere mockery and nullity," Sir William Heathcote[1] was willing (unless Mr. Gladstone would undertake it) to propose in Parliament "whatever wise and well-considered measure might be suggested"; and desiring to ascertain Mr. Gladstone's and my own opinion, as to the possibility of "devising a scheme, sufficiently satisfactory to the Church, and capable of being carried, for reconciling the conflicting claims and interests." He suggested some arrangement, "by which, the selection remaining absolutely in the Crown, the Dean and Chapter should be compellable to elect, unless they could establish in Court[2] the

[1] He was then M.P. for Hants.

[2] Dr. Moberly suggested the Court of Arches.

unfitness of the nominee in point of (*a*) morals; (*b*) learning; or (*c*) orthodoxy,—the Court being able to be moved by other[1] parties, besides the Dean and Chapter."

Nothing, however, was done or attempted. The condition "capable of being carried," was not easy to satisfy, as parties then were in the House of Commons. And any proposal which might have been "sufficiently satisfactory to the Church,"—another condition, by no means free from difficulty,—would certainly have been represented as inconsistent with the Royal supremacy, as settled at the time of the Reformation. Even if an inquiry as to morals could have been allowed, "learning" and "orthodoxy" would have raised more delicate and difficult questions,—the former being no fit subject for a judicial investigation; the latter opening a door for controversies delaying the appointment to vacant bishoprics, as often as any person unacceptable on doctrinal grounds to any powerful party in the Church might be nominated by the Crown. As it turned out, both the appointments, to which objection was made in 1848, proved to be better than might have been expected. Dr. Hampden, as a Bishop, was neither better nor worse than many others; he did nothing to confirm any suspicion of his orthodoxy. In the other case, that of Bishop Lee of Manchester, whose learning and orthodoxy were never called in question, everybody was satisfied (by the result of proceedings of a different kind, which took place), that the imputation which

[1] "*What* parties," he left open for consideration.

had been rashly cast upon him had no foundation in fact.

These questions did not touch myself; but the Jewish question, which was brought to an issue in the spring of 1848, did. My mind was anxiously addressed to it, from the moment of my election for Plymouth.

Not concealing the tendency of my own opinion, or the line of argument which commended itself to my judgment, I thought it right to take counsel with Dr. Moberly, and with my Father, before coming to any positive conclusion. Dr. Moberly (writing on the 7th September 1847) said, that my argument, "so long as it took and kept the pure abstract form," appeared to him "quite unanswerable";—that is, "if we were forming a new State, or imagining a perfect one, we ought to give perfect community of purely civil rights to all persons who, being citizens and having some property qualification, were likely to be peaceable, orderly, and good citizens (or rather, not certain to be the reverse)." But, on the other hand, he thought that, in this and other matters, we had inherited from our ancestors remnants, ethically and practically valuable, of "the old monarchical and paternal principle of government, in which the constitution of the State was modelled after that of the family"; and, thinking this a better and more wholesome principle than that of the democracy, to which we seemed to be tending, he would personally maintain the *status quo* as long and as far as he could.

My Father, on the 5th December 1847, wrote:—

"As to the Jews, I told you I thought their 'emancipation' would not pass with the country *sub silentio*. A majority of the House may be in favour of the measure; and, with you, I hardly see how the House can consistently resist it; but it is clear 'public opinion' is not in accord." On the 10th of December he wrote more fully, to the effect that he could not be a party to the extension of any principle which he thought wrong; and that he thought the relaxations of the old principle, which had made civil powers and privileges in this country dependent upon religious conditions, wrong, and therefore not to be willingly extended. He feared the effect of the proposed change upon the Church, as likely to increase her dangers, and to produce or tend towards the evils which would result from a separation of Church and State. If I voted at all upon the question, he thought I must give my reasons; and his advice to me, as a young and new member, was not to speak or vote at all, unless I could clearly and surely make up my mind.

To go against my Father's opinion in such a matter as this (shared as I knew it to be by most good Churchmen),—to do so at the very outset of my Parliamentary life, and to the certain disappointment of many kind friends and well-wishers,—was a serious trial. But I was not convinced; I could not take my stand upon the ground, that all which had been done in the way of removing civil disabilities from Dissenters and Roman Catholics was wrong in principle, because I did not think so. I had no attachment to

that hierarchical view of civil government which was connected with the old notion of the divine right of kings; and to cling to its shadows did not seem to me to be the best way, practically, of maintaining the cause of religion or the Church. In writing to tell my Father, on the 4th of March 1848, of the conclusion to which I had come, that I *must* both speak and vote for the removal of the Jewish disabilities, I said—

I should certainly agree with you in thinking that one wrong step, or many, could not furnish a good reason for one further step (however trifling) in the same direction. But I do not think it is possible to show, by any principle either of natural reason or of Christianity, that the admission of Romanists, etc., to seats in the Legislature was wrong; and, if not wrong (in a moral or in a religious sense), then the fact that they have been admitted becomes important, as it has determined the character of the actual constitution of government under which we live; and, if that constitution of government is not absolutely wrong, it seems to me reasonable and politic to submit with a good grace to all its natural and legitimate developments; unless, indeed, any one of these can be shown to be wrong, upon grounds proper and peculiar to itself. To us, this constitution,—however far it may depart from any abstract ideas of a perfect polity which we may entertain,—is "*the power which is*"; the power ordained of God, for those great general purposes of His ordinary and natural government in the world, which He has appointed all the various organisations of civil society to answer.

The speech which I delivered, in favour of the second reading of the Government measure on this subject, was not an oratorical success: I never heard that anybody was pleased with it: and Sir Robert Inglis, who followed me in the debate, treated it as disrespectfully as was possible for so good-natured a

man. Nevertheless, it cost me some pains; and the argument still seems to me sound. I have never been in the habit of writing speeches; but, whenever I have had to speak on subjects of importance, I have generally worked out my thoughts on paper, in the shape of notes more or less copious. The use of such notes by a public speaker makes his style of delivery less vigorous and effective than if he spoke without premeditation; but they ensure accuracy, and some logical order, for which I have always cared more than for the reputation of eloquence. The notes which I made for this early speech on Jewish disabilities were, by some accident, preserved; some extracts from them will show the reasons for my vote:—

The Jews must be excluded, on some ground either of public policy or of Christian duty. Either cause sufficient; the second imperative, if made out. No abstract right. But exclusion must not be for exclusion's sake. Such exclusion contrary to the spirit of a free and popular government, and to the rule of right and wrong arising out of it. All existing exclusions must be defended in the same manner, and not on the arbitrary principle,—*e.g.* clergy, judges. If it is an exclusion without a reason, it is an instance of partial and arbitrary government, and therefore a wrong. In every case, the *onus probandi* is upon those who maintain the exclusion. This must be so in the case of the Jews, as much as in any other. They are a definite class of citizens, permanently settled in this country, including in itself all grades of society; peaceful, industrious, contributing largely to the taxes, and active in the promotion of commerce; exercising all franchises except this one; and excluded from this only because they have a peculiar national origin, and a peculiar hereditary religion. There is no other class of citizens placed under any civil disability on

similar grounds. Such an exclusion, therefore, is unjust and illiberal, unless it can be proved to be required either by the public advantage, or by the religious duty of those who maintain it. I concede it may be justified, if either of these points can be made out; but the *onus probandi* is on those who say so.

I met the argument that the Jews were aliens, having a peculiar nationality inconsistent with British citizenship, by showing that they were not (and never had been since they were tolerated) so regarded in law; and that their peculiar nationality was not a secular, but a religious idea, and did not put them in a position at variance with any civil duty. My note proceeded:—

The religious argument. Is it a *duty* to exclude Jews from this, or any other merely civil franchise? Where is the principle or precept of Christianity which says so? Not in the New Testament. The Old Testament no rule. Unity of the civil and spiritual principles in the Old; separation in the New. . . . Christianity did not come in by the temporal sword. . . . It admitted men of all nations to the spiritual society; it did not exclude men of any religion from the civil society. . . . The New Testament idea of civil government is that of an institution existing according to the natural course of the world, for the natural purposes of maintaining order, and repressing crime, according to the rules of natural morality. This government, even as vested in Nero, is recognised as for those purposes divine. The nature of civil government is not altered; its nature, as well as its sanction, is the same now as then. . . . The precepts of the New Testament are so far from encouraging the idea that Christians ought to avoid uniting themselves in political relations with non-Christians, that they are quite the other way. "If it be possible, as much as in you lieth, live peaceably with all men," etc. There are strong precepts to avoid association with Christians of bad life, or professors of a corrupted Christianity; but it is expressly said that this is not

to imply a duty of separation from non-Christians in the relations of common life. . . .

The notion of the absolute identity of Church and State is destructive of the true character of both. It secularises the Church; it interferes with the justice and impartiality of the State. . . .

This is consistent with the use of political power by Christians upon Christian principles. To Christians, all morality, public and private, is Christian. It does not tend to alter the Christianity of the nation, which depends, not on a political formula, but on the number and preponderance of the Christians in the nation, and upon their zeal and faithfulness. That is no testimony to the Truth, which is not such a testimony as the Truth authorises—*e.g.* persecution. This does not interfere with the right of the Christians in the nation to contend for their own. It is not practically dangerous to the Church. It tends to keep civil legislation within its right limits. If the Church would have liberty, she must give it; if she would have justice, she must do it. Her temporal institutions can hardly be more endangered, than by treating them as incompatible with the civil rights of any citizen.

There were two other matters of public interest, in the year 1848, not to be passed over without notice. On the famous 10th of April, when a threatened revolutionary demonstration by the Chartist followers of Mr. Feargus O'Connor was suppressed by the firmness of the Home Secretary, Sir George Grey, and by the energetic loyalty of the general population of London, I was one of the many who paraded Trafalgar Square and the Strand, truncheon in hand, in the character of a special constable; and I saw the Chartists' monster petition, which was meant to be brought to the House of Commons by an assembled multitude, ignominiously driven up in a cab, and carried by several men to the door of the House,

whence it was rolled along the floor to the Table. It was as big as an ordinary garden roller; and it was proved, on examination, to be full of fictitious signatures. The exposure of its true character was undertaken and prosecuted with great zeal by Mr. William Cripps, member for Cirencester, a country gentleman who had held some subordinate office in Sir Robert Peel's Government. He succeeded completely in his object, but at the cost of his life; for his excitement about this matter brought on a fever of which he died.

The apprehension of serious disturbances on that occasion (due, no doubt, as much to the general revolutionary wave sweeping over Europe, as to the reports circulated about the threatened Chartist demonstration), caused the only departure which I recollect during my married life from our usual habits of Sunday observance. We had gone on Saturday the 8th of April to the neighbourhood of Chichester, intending to spend a quiet Sunday with our friends, Judge Erskine and his wife, at Little-Green, of which they were tenants. But we received notice (I think from Sir George Grey himself) that it would not be safe to reckon upon getting into London on the Monday morning from the Surrey side. My engagements made my presence at Lincoln's Inn at an early hour on the 10th necessary, in case of the Courts sitting, which I had then no reason to doubt. So we thought there was nothing to be done but to return on the Sunday evening to London. As we passed through the City, we saw cannon in the streets,

particularly near the Bank of England; intended, doubtless, for its defence. As it turned out, we need not have cut short our visit, and might have enjoyed our Sunday without disturbance; for on that Monday morning the ordinary means of access to the City were not obstructed, and the Courts did not sit. It was fortunate for the peace of the country that the forces of disorder, at that critical time, were in such weak hands as those of Mr. Feargus O'Connor. He was a burly and blustering, but scatterbrained irresolute man. Perhaps the thing for which he most deserves to be remembered was a speech in the House of Commons (about that time), in which he said that he did not care whether the country was governed by the Queen, the Pope, or the Devil; which elicited from Sir Robert Peel the retort, that, if the time ever came when the personage last named should have supreme power in England, "no doubt the honourable member would enjoy the confidence of the crown." I was present when this was said; the House was convulsed with laughter.

Towards the end of that session, on the 10th of August 1848, just after the Courts had risen, I was put upon an Election Committee, to try the validity of the return of Mr. Craven Berkeley for Cheltenham. The Committee (of which Sir William Clay, a member of his own party, was Chairman) unanimously unseated Mr. Berkeley for treating, of which there could be no doubt; for, on (I think) the morning of the poll, he had issued half-crown tickets for a breakfast, to all his voters,—a mild form of treating,

perhaps; but illegal certainly, so as to vitiate the election. This work done, I went down to Mixbury just before the House rose, not intending to return; but I was hardly settled there, when I learnt that Mr. Berkeley, in a speech at Cheltenham, had made a very violent attack upon the impartiality of the Committee, singling out myself in particular for abuse, and accusing me of having held consultations, during the course of the inquiry, with the petitioner's agent. Without losing a moment, I returned to London, and was just in time to repel the imputations made upon the Committee and myself in a manner which met with general approval, and which drew from Lord George Bentinck (in the last words which he ever spoke in the House of Commons) a marked compliment to me, which I appreciated the more, because I was not one of his followers. Mr. Berkeley himself was satisfied that there was no justification for what he had said; and he lost no time in sending me a gentlemanlike apology, which was duly made public.

In the long vacation which followed, I took my real honeymoon. We then paid our first visit to Sir George Grey at Falloden in Northumberland; a visit several times repeated in later years, with ever-increasing pleasure. Sir George, who was first cousin to my wife's mother by both his parents, was a man of rare purity, consistency, and nobility of conduct and character. Attached to his party by conviction, as well as by hereditary ties, he was generous to his political opponents, and never gave them needless offence by word or deed. Evangelical in his religious

opinions, he was not narrow or prejudiced against other modes of thought. A man of very quick and accurate judgment, a firm and courageous administrator, he was always, and above all things, a gentleman, in the best sense of the word. In private, he was frank, sociable, free-spoken; full of knowledge of men and books; manly, but modest; never arrogating anything to himself; putting all with whom he conversed at their ease,—altogether, one of the best and most agreeable of men.

We took Falloden on our return from a tour in Scotland, where neither of us had ever been before. At Dunkeld we heard of the sudden death of Lord George Bentinck, which made Mr. Disraeli the virtual, and soon the acknowledged, leader of the main body of the Conservative party. We spent some days at Glenalmond College, then recently built on a splendid scale and in a very beautiful situation, of which Charles Wordsworth (who had left Winchester) was Warden. On our way homewards we also visited Claughton and his wife, at his Vicarage of Kidderminster; and ended our wanderings at Plymouth, where I delivered a lecture in the Mechanics' Institute on the principles of education, and where my popularity was increased by the introduction of my wife to my constituents and friends.

CHAPTER XXXIII

QUEEN'S COUNSEL—BIRTH OF FIRST CHILD—WIFE'S SISTER BILL

1849

I HAD applied to Lord Lyndhurst, in 1846, for a "silk gown." It was, perhaps, an audacious thing to do, seeing that I was then of no more than nine years' standing at the Bar; but I was led to do it principally because Rolt, who was called to the Bar on the same day with myself, had done so, and I wished, if possible, to keep pace with him; but partly also because the drudgery of preparing Equity pleadings, often very voluminous, and requiring much manual labour, had become irksome to me. I always did that description of work carefully and laboriously, and as well as I could; but my strong preference, and (as I thought) my real vocation, was for Court work. Lord Lyndhurst gave Rolt the promotion which he asked for; but he did not give it to me. I have no doubt that he was right as to both of us. Though we were of the same standing at the Bar, Rolt was several years my senior in age. He had worked his way to a high

reputation, against more than ordinary difficulties; and in 1846 his business must have exceeded my own. His promotion was justified by its results. How it might have been with myself, if my wish also had been gratified, it is (of course) impossible to know; but the risk of disappointment would certainly have been greater than three years afterwards. Lord Lyndhurst, if he had felt any personal interest in my success, might reasonably have thought that it was better for me to continue as I was for some time longer.

I renewed my application, to Lord Cottenham, at the end of 1848. I was then, certainly, one of the leading juniors at the Equity Bar; and I had gained some reputation by my conduct of cases of importance; for my services in one of which I had received (in addition to the ordinary fees) a present from the Rector and Fellows of Exeter College, Oxford. It was also generally understood that, under such circumstances, a seat in Parliament was a make-weight in favour of the application. Lord Cottenham had better opportunities of judging of my professional qualifications than Lord Lyndhurst ever had; and the encouragement which he more than once gave me justified the hope that he might think me worthy of the advancement which I sought. And so it proved. I received from him my Patent, as Queen's Counsel, on the 21st February 1849, in company with E. J. Lloyd, Frederick Calvert, Richard Malins (afterwards Vice-Chancellor), and James Robert Hope. Among my friends or acquaintances there were one or two

croakers, to whom the step seemed imprudent, and who poured out their misgivings into my own or my wife's ears. But to those relations and friends who knew me best it was a subject of unmixed rejoicing. They thought that my labour, for a time at all events, would be less, and that in other respects there would be no going back. In point of fact, my business did not even temporarily decline. For the first two years, I went into all the Equity Courts, and then fixed myself at the Rolls, being encouraged to do so by Lord Langdale. In 1851, Mr. George Turner, the leader of that Court (always one of my best and kindest friends), was made Vice-Chancellor; and Sir John Romilly succeeded Lord Langdale as Master of the Rolls. Then, after a short trial of strength with Mr. Roupell and Mr. E. J. Lloyd, I found myself in undisputed possession of the lead, which Sir George Turner had vacated, and in which Mr. Pemberton Leigh preceded him,—an important and lucrative professional position, which I retained (going also into the Court of Appeal, the Privy Council, and the House of Lords) till I became Solicitor-General.

In less than a month after I was made Queen's Counsel, on the 16th of March (the day before my dear wife's birthday), our eldest child, Laura Elizabeth (now the wife of George Ridding, Bishop of Southwell), was born. Nothing but this event was needed to make our happiness perfect. Many shared in our joy; especially all members of both families, at Mixbury and Hastings.

MY DEAREST MARY—I just write a little *bulletin* to thank you, and Eleanor too, for your dear, kind letters, and to say that Mamma and Baby are both by God's goodness, going on as well as any mamma and baby ever did. The little one is a sweet child.

Tell dearest Emily she has not been forgotten; and I trust God has been with her in the solemn ordinance of yesterday,[1] and has given her grace by which she may be enabled to go on from strength to strength, until she is called to appear before Him in the Heavenly Zion. I do not doubt it; and I hope and pray that we may all be partakers together in that grace, for indeed His mercies have been very signal towards us; and I trust also, Mary, your labours and Eleanor's (of my Father's I need not speak) among my Father's people may not have been "in vain in the LORD."

Ever, with love from self and Laura to all, not forgetting Aunt Mary,—your affectionate brother,

ROUNDELL PALMER.

19*th March* 1849.

In public affairs, during the session of 1849, my interest was concentrated on two measures—the bill for the repeal of the Navigation Laws, which was read a second time in the House of Commons by an inconsiderable majority, on the 31st of March, when I spoke against it, as my constituents had a right to expect; and Mr. James Stuart Wortley's bill for legalising marriage with a deceased wife's sister, to which I was strongly opposed.

Until the year 1835, the Ecclesiastical Courts alone had jurisdiction to inquire into the validity of contracts of marriage, regular in the forms of solemnisation whatever might be the relationship, by blood or affinity, of the contracting parties, and that juris-

[1] Her confirmation by Bishop Wilberforce.

diction could only be exercised while both those parties were alive. If the parties were related to each other within any of the prohibited degrees, the Ecclesiastical Court invariably and necessarily declared that there was no marriage,—that the alleged matrimonial contract was, and always had been, invalid. But on account of the want of jurisdiction in the temporal courts to inquire into any such question, these marriages were called, in the temporal courts "voidable," and were not treated as actually void, until an ecclesiastical sentence, declaring their invalidity, had been pronounced; and it was a consequence necessarily resulting from this separation of jurisdiction, that the issue born of them were treated as legitimate, when no such sentence had been pronounced during the lifetime of both parents. In these respects there was no difference between degree and degree. The state of the law which I have described was as much applicable to the very nearest blood relations (if they had gone through the form of a regular marriage in church) as to a widower and his deceased wife's sister, or any other case of relation by affinity.

This condition of the law being open to the manifest objection that the *status* of children, and their rights of succession to property, might be uncertain as long as both parents lived (to mention no other reasons), Lord Lyndhurst, in 1834, passed an Act which made the law for the future self-executing, so that all (so-called) marriages within any of the prohibited degrees, without distinction,

solemnised after the passing of that Act, should thenceforth be absolutely void, and be so treated for all purposes in all courts of the realm without any necessity for an ecclesiastical sentence. As to marriages previously contracted, the former manner of proceeding was left open, when the parties were blood relations; but it was taken away in *all* cases of affinity, so as to produce in those cases practically the same effect as if the jurisdiction of the Ecclesiastical Court had ceased by reason of the death of one of the parties. For this different treatment of consanguinity and affinity, as to the past, motives were supposed to have existed, affecting particular persons, into which it is not necessary to enter. For the future, no distinction was made.

So the matter stood, till a banker of wealth and influence in the City of London, of a noted Evangelical family, being left a widower, thought fit to disregard the prohibition of the law, and to go through the form of marriage with his deceased wife's sister; knowing, of course, that it was not a lawful marriage. It was mainly through his influence that an association was formed, and an agitation set on foot and continued, not for the restoration of the law as it stood before Lord Lyndhurst's Act, but for the alteration of the prohibited degrees, by legalising marriage with a deceased wife's sister; as if that particular degree of affinity stood upon a different footing from the rest. Mr. James Stuart Wortley was induced to move in the House of Commons for a Royal Commission to inquire into the subject; and

a Commission was accordingly appointed, very one-sided in its composition, though it included names held in general respect. The manner in which the inquiry was conducted was not such as to give moral weight to the Report, which was in favour of an alteration of the law. It did not appear upon whose suggestion the witnesses were selected or examined; but the net result was that the Commissioners examined thirty-six witnesses in all, opposed to the maintenance of the law,—ten of whom were lawyers, employed by the solicitors of the Association to get up evidence in favour of their case; sixteen were persons more or less interested in the proposed change of the law; two were dissenting ministers; one was a Roman Catholic bishop; one a foreign, and another a Scotch, jurist; and five were clergymen of the Church of England,—against whom were set off five other clergymen, the only witnesses examined on the other side of the question. A letter was addressed by one of the most eminent Commissioners to the Primate of Ireland, requesting him to ascertain, as far as possible, the opinions of his clergy; which he did, through the Bishops and Rural Deans, eliciting an almost unanimous expression of opinion against any change of the law—the opinion of the Irish Presbyterian bodies was the same. But no such inquiry was made of the Archbishop of Canterbury as to the clergy of the Church of England; no means were taken to ascertain the state of their opinion upon the subject, except by the examination of five individual clergymen (of whom Dr. Pusey

was the most eminent), against five on the innovating side.

The bill brought in by Mr. Stuart Wortley was founded upon the Report of this Commission. The question was, manifestly, one in which not only that limited number of persons who were unwilling to be bound in this matter by the restraints of law, but the whole people of Great Britain and Ireland, was directly interested. Nobody contended that there ought to be no degrees prohibited by law; nobody denied that the existence of such prohibitions (within proper limits) was necessary for the maintenance of that unrestricted intimacy between relatives of both sexes in the nearest degrees of consanguinity and affinity which was indispensable to the peace and happiness of families, and to raise a strong barrier against abuses of that intimacy. Nobody maintained the doctrine that universal and unrestricted liberty of marriage ought to be allowed by law. The only question raised was, whether the table of prohibitions, of which the general principle was not impugned, ought to be altered, so as to exclude from it the particular case of marriage with a deceased wife's sister. Those who endeavoured to bring that question to the test of some intelligible principle saw, plainly enough, that there was none which, if good for that purpose, would not go further. There were evidently other prohibited relations of affinity which, if any principle were regarded, must stand or fall with the case of a deceased wife's sister. Some of those who were induced to support the change frankly admitted

it; some were ready to abolish the prohibition of marriage with a deceased wife's niece, some with a brother's widow; while the more consistent (of whom Lord John Russell, at a later date, was one) would have been willing to imitate the Prussian legislation of 1791, so far, at least, as to abolish all prohibitions in cases of affinity.

I have said, that in the question raised (as also in those ulterior questions which might depend upon the manner of its solution) the whole people of Great Britain and Ireland was directly interested. As far as religion and conscience were concerned they were on the side of the law; for to all those who (like the members of the Church of England and the Presbyterian bodies receiving the Westminster Confession of Faith) held the prohibitions in question to have a moral and religious foundation, it was matter of conscience to maintain the sanctity and consistency of the marriage law, and the integrity of the general principle on which the prohibitions rested. On the other hand, although some might desire to have, and others might be disposed to concede, liberty of marriage beyond what the law permitted, it could not be pretended to be a matter of religion or of conscience to any man, of any church or denomination, to break the law, or to marry his deceased wife's sister. Beyond this, and apart from any religious conviction or sentiment, the harmony of the domestic relations of every family in the kingdom would be liable to be disturbed, if the phrase "sister-*in-law*" were no longer to express a practical truth,—if the intercourse of the

wife, and of her husband and children after her death, with her sister in her husband's house, should no longer remain upon the same footing as if she were the husband's sister. For one case in which marriage with a wife's sister might be desired, there would be thousands or tens of thousands in which it would not, and in which the existing very precious relation would be interrupted by considerations of prudence and of the world's opinion, if such a marriage were once permitted by law.

These, and kindred reasons, I submitted to the House of Commons on the 3rd of May 1849, in a speech against the second reading of Mr. Stuart Wortley's bill; which, at the suggestion of some members of the House who heard and approved of it, I printed and published. I also dealt, in that speech, at considerable length, with the religious argument; not indeed willingly (for no one could be more sensible of the unsuitableness of the House of Commons for such a discussion), but unavoidably. For the supporters of the bill then rested their case mainly upon the theological argument, that the marriages which they desired to legalise were, by implication, permitted by a particular verse (the 18th) of that chapter of Leviticus, the rules of which were assumed, both by the Statutes of 25 Hen. VIII. cap. 7, and 32 Hen. VIII. cap. 38, and by the Canon of 1603-4, to represent the prohibitions of the Divine Law given to the Israelites. No question was raised as to the principle of regarding those prohibitions as part of the moral law, rightly adopted into the moral code of Christian

Churches and nations; but it was contended that they did not extend to the case of a deceased wife's sister. Alexander Cockburn (afterwards Chief-Justice), who immediately preceded me in that debate, relied greatly upon this theological argument; and he insisted that this (and perhaps some other) degrees ought never to have found a place in our own table of prohibitions, and would never have done so, but for unworthy political motives, which he attributed very freely to the divines of the English Reformation.

These arguments I thought it necessary to meet; and I did so, first by showing on what principles of interpretation the judgment of the Christian Church, that the case of the wife's sister was within the Levitical prohibitions, had been founded; and, secondly, by showing that on this point all Christendom, both before and at the time of the Reformation, had been agreed.

On the first point, I said :—

Assuming that the prohibitions are moral, and of general application, what are they? They begin with a general principle, thus laid down: "None of you shall approach to any that is near of kin to him"; and the question is, where that principle is to be limited? A number of cases are enumerated, some of consanguinity, some of affinity, showing that affinity is here clearly included in the notion of kindred; and among the enumerated cases there is an express general prohibition of marriage with a brother's wife. The enumerated cases do not exhaust more than half the instances, which the common reason of mankind perceives to fall within the same principle; the common reason of mankind requires the application under such circumstances of these principles, that the more remote includes the nearer, that equal implies equal, and that the rule laid down as to a man shall govern the converse case of a woman, where

the degree of propinquity is exactly the same, and nothing but the sex is different. On these principles of interpretation our table of prohibited degrees is founded; and marriage with a wife's sister is held to be prohibited, because it is the exact converse of the marriage, expressly prohibited, with a husband's brother.

To this I added that the reason given for the express prohibition to marry a woman and her daughter or granddaughter was because "they are her near kinswomen, it is wickedness"; and that, if proof was necessary that a wife's sister is "her near kinswoman," it was afforded by the terms of the prohibition of marriage with a father's or mother's sister, "because she is thy father's (or 'thy mother's') near kinswoman."

To infer, against the rule thus derived from the first seventeen verses of the chapter, an exception of the particular case of the wife's sister (from the 18th verse: "*Neither shalt thou take a wife to her sister, to vex her . . . beside the other in her lifetime,*") would not be reasonable, even if that rendering of the 18th verse had been certain. That it was not certain, the English translators of the Authorised Version had informed us, by putting in the margin, as an alternative rendering, "Thou shalt not take one wife to another, to vex her, in her lifetime." So translated, the verse would be irrelevant; and would appear only to make it a condition of the allowance of polygamy, that the first wife should consent to it, or at least should not be "vexed," or defrauded of any of her rights. Most Hebraists adhered to the rendering of the

English text in preference to that of the margin; doubtless, because the word "sister," in the preceding verses, had the primary sense of blood relationship. But, if the analogy of all the other places in the Hebrew Bible (twelve or more) in which the same phrase occurred, ought to be regarded, it would seem to support the marginal translation, and not that of the text.

On the other point I showed, not only that the doctrine of the Primitive and the Roman-Catholic Churches, as to the interpretation and extent of the Levitical prohibitions, was the same as that of the English table, but that all the Protestant Churches of the Continent and the Scotch Presbyterian Churches were of the same mind, holding the case of a deceased wife's sister to be within those prohibitions. It was true, that the Roman Catholic Church (from the time of Pope Alexander VI., not earlier) had granted dispensations in this and some other cases, both of affinity and of consanguinity, within the Levitical prohibitions; and the Continental Protestant Churches, following, in that respect, the usage of Rome, while they limited their prohibitions to those within the Levitical code, also admitted the practice of dispensation where the Church of Rome had done so. But in none of them could marriage with a deceased wife's sister take place without a dispensation, till 1791; when a law was passed in Prussia, legalising generally all marriages for which dispensations might previously have been granted—*i.e.* all within any of the degrees

of affinity, and also between aunt and nephew, uncle and niece.

I have dwelt upon the part in this question which I took in 1849, and in several later years repeated, because my opinion upon it has never varied. The controversy has been a very protracted one, and still, after the lapse of forty years, it is annually renewed. The decisions of both Houses of Parliament upon it have varied from time to time; and on one occasion[1] in the House of Commons, and more than once in the House of Lords, I have had the credit (whether justly or not) of having spoken with such effect as to influence the vote of the House. On this, as on many other questions, the general weight of Nonconformist influence has been thrown into the scale opposed to the Church; and this has told with some Liberal politicians who did not always take that side. But the question has never been debated on party lines. Not a few generous-minded men, on both sides of politics, have been swayed in favour of changing the law by arguments addressed to the feelings; and on the other hand, Liberals so undoubted as Richard Lalor Sheil, John Arthur Roebuck, Lord Cranworth, Lord Campbell, Lord Hatherley, and Lord Coleridge, have always been staunch and consistent champions of the existing law.

My opposition to Mr. Stuart Wortley's bill in 1849 had the approval of my Father and of many of my friends. The most interesting letter which

[1] 9th May 1855.

I received about it was from the President of Magdalen, Dr. Routh. He wrote :—

I was about to return you my thanks for the kind present of your very able and lucid argument against legalising intermarriage with a wife's sister, when your brother undertook to present them. I also intended to observe, what I now take the liberty of doing, that I could have wished that more had been said by you, because it would have been forcibly and advantageously urged, on the primary intention of prohibiting marriage between relations, which was to preserve the members of a family from being *incesti, seu incasti;* and that you had pointed out the sad consequences likely to ensue from the permission of future marriage with one so frequently and so properly a part of it. But perhaps this had been already noticed.

CHAPTER XXXIV

MY AUNT ELIZABETH'S DEATH, 1849—MY BROTHERS, 1847-1850—BIRTH OF MY SECOND DAUGHTER, 1850

My aunt Elizabeth Palmer died on the 24th June 1849. My wife and I were with her at the last. She was, as I have said elsewhere, a woman of naturally strong abilities and character, disciplined into the most unaffected humility and piety, of which she left many proofs in her private papers. One or two extracts from these may be worth preserving.

In 1841, a year of great controversial tension, in which my brother William had taken a part which must have been painful to her, she recorded her feelings.

Much has occurred of late among those I love to give me many an anxious thought. Opinions and observances have been brought forward, as essential to a member of the Catholic or Universal Church, filling my mind with doubt and dismay. Utterly incompetent to examine or decide upon these controverted points, I fear to shut my eyes to what may be the truth, yet am equally reluctant to adopt a phraseology and sentiments differing so widely from early instruction. Were it not that so many excellent and learned men take an opposite view, or at least see danger in the general adoption of these

principles, I should be still more uncomfortable. I see them, too, emanating in a great degree from, and most strenuously advocated by, the youth of both sexes, always enthusiastic when they have a marked character. For myself I wish daily, hourly, to adopt that prayer of Bishop Wilson's in the *Sacra Privata:* "Lord, open the eyes of all that are in error; heal the wounds of Thy divided Church, and make us all one fold, under one Shepherd."

On Christmas Eve, 1847 (her seventy-third birthday), she wrote:—

Seventy-three! I can scarce fancy it. Looking back, all seems a dream; chequered, indeed, with good and ill,—the first, how greatly preponderating! and the evil, only humanly speaking. For, without such occasional warnings, what manner of person should I have been at this day? Lost in sin and sunk in selfishness. Nor can I imagine myself now free in any considerable degree from either; but increasing consciousness of innumerable transgressions may surely be deemed a mark of God's love and favour, and this I think to have been the case of late; and many failings and infirmities, which formerly passed unnoticed, now press upon my conscience.

My last extract shall be from a note after her Easter communion, little more than a year before her death:—

This very morning the idea that those I dearly love were probably then joining in the observance of that sacred rite whereby we look to be reunited to all eternity (though some of us may meet no more on earth) filled me with gratitude and unutterable joy. Nor is this feeling confined to the living, it equally attaches to the dead; perhaps more strongly, as their day of probation is over.

As she had lived, so she died. By all of us, I have no doubt—by my brother William and myself certainly—this breach in the elder generation was

felt as a foretaste of others, which could not be very far off. "Necessary" (said my brother) "as it is to make up our minds to these partings, if we are to continue here ourselves, there is something terrible in the prospect of being left alone, without all those under whose shade we have grown up and lived hitherto. God grant that we may all meet happily again at the last!"

It was, I do not doubt, under the influence of such feelings as these that I wrote to my wife during one of our temporary separations, from which I quote, because the ideas expressed took a strong hold on me. She had reported with pleasure something which she had heard said in my praise. As to this, I wrote on the 24th July 1849:—

"The judgment of all our fellow-creatures rests on very slight and insufficient grounds, even when they know us best; and the first impressions of those who know us little are still more untrustworthy. It is God's judgment we should look to, Who sees everything; and a very great part of those outward appearances and professions, which win praises from men, ought really to be accounted among the sins for which we must daily seek pardon. We are too willing to be praised, and to please men, and to let the best side of us be seen of men; and we also too readily accept praise for what, at the best, is at least as much a pleasure as a duty. I don't want my wife to do for me what I ought not to do for myself; and especially she must not let herself get into the habit of judging by *comparisons* in such a case. Think of

me as a part of yourself, only more lazy and unwilling to be stirred up to the performance of certain duties; and though, no doubt, loving you and baby as dearly as any husband could, yet loving in you my own happiness, and therefore, surely, deserving no praise for it. Our blessings are very great, and quite the contrary of what I know to be my deserts; so we ought to remember the text, 'Be not high-minded, but fear'; and to consider what we can do to serve God better and more faithfully, and to subdue the many faults always besetting us, which may well induce our Heavenly Father to turn His blessings into chastenings, if we listen too readily to human praise, or say to our souls, 'Soul, thou hast much goods,' etc. But, darling, although I write all this, and though I mean it and think I have some reason for it (as I have often yielded consciously to the pleasure of hearing your praises of your husband, and the praises of others repeated by you), you must not suppose I think such warnings are half as much required by you as by myself. Only, we are *one*, dearest; and therefore what is the rule for me ought to be the rule for you also."

LINCOLN'S INN, *July* 1849.

MY DARLING LITTLE BABY—You are to keep this letter *quite a secret to yourself*, and mind particularly that you don't tell dear Mamma *anything* about it. I hope you are taking good care of dear Mamma, and making her keep up her spirits. A little bird (not *you*, baby) has told me that she sometimes seems to be thinking more about papa's absence than *I* think she ought to be; for, as she cannot have papa with her always, and as she is

with such very, very kind friends now, I really wonder that she does not almost forget papa for this wee little short week that he is away. Between ourselves, though, little one, I shan't be sorry to come back to her; but whether I shall do so by the mail from Wolverton, or by the coach from Aylesbury (which comes in after sunset), I am not yet quite sure. There is a great deal still to do in Great Cumberland Street; and I am afraid I shall not get through it all quite as well as I could wish by Saturday. I hope when you are old enough you will learn to write papa, when he is away, such very nice, sweet letters as Mamma does; and I can tell you another thing, which is, that if you can get a husband (but don't think of that just yet) you have only to write such letters to make him love you more and more dearly every day. And now, dearest baby, I have come to the end of the paper; so I shall finish by sending a kiss to each of your little eyes, and another to your dear pretty lips; and the next time you are with Mamma (although you must not say anything about this letter) you may just surprise her by giving her a kiss, and saying it comes from me. And tell Grandmama that I got her letter this morning, and give them all my love.—Ever your affectionate papa, R. P.

In this chapter, devoted to domestic and family matters, it may be convenient to bring my narrative, as far as relates to my brothers, down to the year 1850.

My younger brothers had before this time grown up to manhood; and I had the pleasure of seeing repeated in them the interests of my earlier days. Edwin, though two years younger than Horsley, preceded him at Oxford, and justified his election to Balliol[1] by obtaining in 1843 both the Hertford and the Ireland Scholarships, and in 1844 the Chancellor's

[1] His name had been put down for Christ Church, but he gained a scholarship at Balliol, 29th November 1841.

prize for Latin verse; which honours were followed, in due course, by a first-class in classics, the Chancellor's prize for the Latin essay, and a fellowship at Balliol. His successes, and the way in which he took them, were to us all like intervals of warm sunshine in a stormy day; to none more so than to myself.

MIXBURY, *5th November* 1841.

DEAREST EDWIN—Thanks for the Iambics, in the criticisms already passed on which I quite agree. . . . I don't feel particularly anxious about Balliol, but shall not withhold my consent if Mr. Saunders and your brother recommend it, and especially if you have a desire. I have not heard from Roundell, though I requested him to give me a line by Wednesday's post to the Angel Inn at Oxford where I lay that night, but I conclude his time has various important matters to occupy it. I found William well at Oxford, but occupied likewise with many grave and weighty concerns.

I should like to hear from yourself about the turn you are disposed to give your studies with a view to your future calling and profession, in which, you may be sure, I shall do everything in my power to promote your success, praying God always to direct us. The first object being to obtain the mastery of ourselves in all that we may naturally desire and seek, so that we may be led by reason rather than by inclination, and act on reflection more than feeling; not thinking proudly to divest ourselves of the one or the other, but till inclination becomes habitually honest, and feelings true and just. This first victory is, like the casting out of a certain kind of possessions in the Gospel, not to be obtained but by prayer and fasting—that is, the *habit* of praying God at all times for His guidance and protection in everything we may honestly desire, and the issue of which, if obtained, must be unknown to us; and fasting, a denial of the appetite whenever, though quite natural and at times necessary, it impedes the settled objects of the mind; the habit of doing this may, no doubt, be promoted by stated fasts when accompanied by prayer.

To the young and inexperienced what they are to do, and how they are to live with as much satisfaction and enjoyment as possible, is naturally an immediate and very interesting consideration in the choice of a profession; but it is happy for them if they remember they are already pledged to a higher profession which should carry them forward to the hope and prospects of a future state, by the mercy and goodness of God.—Ever, my dearest Edwin, your most affectionate W. J. PALMER.

11 NEW SQUARE, LINCOLN'S INN, 16*th July* 1844.

MY DEAR EDWIN—What say you to this list?

Ethics
Rhetoric
Politics
[*Butler's Analogy*]

Herodotus
Thucydides
Hellenics
Cicero's Public Orations / Tacitus } or { Livy—Decade 1 / Tacitus' Annals

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Aeschylus
Sophocles
Euripides { Porson's four / Alcestis / Hippolytus / Bacchae / Heraclidae
Aristophanes { Acharnians / Wasps / Knights / Clouds / Birds / Frogs
Lucretius
Virgil
Horace
Juvenal and Persius

Which I would read in the order, and with the accessories, following:—

1st, { Aeschylus / Sophocles / Euripides } To be *well got up*: if that is already done, they may be postponed.

2nd, *Herodotus.* In illustration of which, if you have time to spare, I would advise the book of Diodorus about Egypt, and *Heeren's Researches*, to be read rapidly:—Herodotus should be well got up, and the collateral points a little looked into as you go on. Rennell's Geography will be worth referring to, though not to be altogether trusted.

3rd, *Thucydides.* As to which I need say nothing.

4th, *Hellenics.* After which, it would be expedient to look over your Thirlwall or Mitford, so as to get a good connected view of the whole Greek history down to the point at which the Hellenics leave you, and from thence to the next good stop. In doing which, of course, you may pass very cursorily over those periods which are covered by the books you have been reading.

5th, *Aristophanes.* Getting up as accurately as possible both the chronology and the antiquarian and historical allusions. After this, I don't think you could do anything better than to proceed with your Thirlwall; and, when in the proper periods, read, if you have time (as no doubt you would have), the public orations of Lysias and Demosthenes. These might easily be added to your list, if you were inclined to enlarge it. Carry on Thirlwall to the battle of Pydna.

6th, If you take *Livy* and *Polybius*, read before beginning them Arnold's History, and Niebuhr, down to the 1st Punic War, and then read them *together: i.e.* in chronological order. If you do not take them up, I should still advise you to read up that part of Roman History with tolerable care, and not to omit Niebuhr. The rest of Roman History may be made up, I suppose, partly out of Arnold, and partly out of Hooke, or Goldsmith—down to Cicero's times. If you take up *Cicero's Orations*, they should be read in their order with Middleton's Life of Cicero, or any better book, if there is one.

7th, *Horace.*

8th, *Persius.*

9th, *Juvenal.*

10th, *Tacitus.*
11th, *Lucretius.*
12th, *Ethics.*
13th, *Politics.*
14th, *Rhetoric.*
15th, *Logic.*
16th, *Choruses in Aeschylus, Sophocles, and Euripides, to be looked over.*

I have given no place in this list to Divinity or Butler; because I think they, and similar books (not to be taken up), as Butler's Sermons, Hooker's Eccl. Polity, etc., may advantageously be read on the Sundays. I would advise one hour daily to be given to the accurate study of the Text of the New Testament, in the vacations at all events; and I have assumed, as to your Science, that you will be going over it in Lecture (which of course you do carefully) at the same time that you do other things. Should you have time for it, it would certainly be a considerable advantage for you to read some Plato; and I should recommend that to be interposed between Lucretius and Aristotle. The best treatises to read would be the Republic, the Laws, and the Πολιτικος, all or any of them.—Believe me ever, my dear Edwin, your affectionate brother, R. PALMER.

Horsley was at first intended for the mercantile profession, and went through a course of preparation for it, which lasted till the autumn of 1843. During that time, many letters passed between him and my Father, characteristic on my Father's part of his wisdom and love. The earliest was written in October 1837, when Horsley had expressed a wish (he was then only fifteen) to know something of his prospects, and when it seemed possible that an opening for him might occur in a city business, carried on by a relative of my Father. My Father was willing about this to consider his inclinations, but put the question upon higher grounds.

One thing only (he said) I enjoin you always to remember, whenever the thoughts of a business or profession arise—that everything of that sort is but pastime, and eternity the end. Christians are not to make the glory and pleasure of the world their object; and that we should ever be on our guard against the vanity and the pride of life. We are not indeed to forgo profit, if the Divine blessing upon our diligence and frugality be pleased to increase our store, or to renounce power and influence, if the course of events leads to it; but to seek our own good, in using such advantages, so as to promote that of others, to the praise and glory of God. *Upon any other principle, power and wealth are but a snare to the possessors of them.* My prayer to God for my children is, that He will bless you in life, according to your honest and natural desire, but as He knows best; giving you grace to use all things, so that you may have profit to show before Him in the day of His account.

And later,—

There are other qualifications which are not only conducive, by the Divine appointment, to good success in every occupation of life, but are such also as without which success, if attainable, would change its nature, and be no success at all. I will mention one,—a right estimate of the comparative worthiness of the occupations and pursuits of men, considered in themselves, and with reference to the respect and estimation due to every man who does his part well. The want of this principle is nearly connected with the false pride which leads us to despise people who follow such and such a calling, and consider them somewhat meaner than ourselves. This is a very natural weakness, and but too common among the children of those who consider themselves born gentlemen,—what your brother William not unhappily designates as "the gentleman-heresy." Wherever it exists it must be eradicated; for of itself it is sufficient, where a man has to work his own way, to blight all his prospects in the world, and drag him to perdition. Shall I tell you what means the merciful God commonly uses to effect His purpose for the salvation of His creature, where reason and reflection fail?—The utter disappointment of all his hopes.

On every practical question, as it arose, my Father wrote with the same affectionate solicitude. On the 5th February 1841, as to bearing with the infirmities of relations and friends:—

There is a point which I have not dwelt upon very lately, though I believe I have mentioned it before, and which I wish to impress very strongly on your mind. It is this—to use those with whom you live in such a way as to make them love you for your consideration and tenderness of themselves. Whenever infirmity shows itself, as it often does in most of our blood, in such a way as by hastiness of temper, a little captiousness of disposition, impatience of contradiction, and of others' faults, whether of ignorance or conceit, when they come in contact with ourselves,—and, above all, in a certain high and unmusical key and tone of the voice,—to be careful how it excites a like infirmity in ourselves, which it is as quick and natural to do as a spark to set anything on fire. This, I own, is often a very difficult thing; but it is surprising what good the endeavour does ourselves, and how sure it is to fix and secure affection where it naturally exists, and how very likely also to correct and strengthen, curing the evil.

On the 16th March 1841, writing as to natural affection, he advised him to fix and preserve in his memory a passage in a letter from our brother William to myself:—

You will readily find it, for it seems to have been called for by his affection for yourself, and is indeed addressed to you; where he speaks of natural affection for parents, or brethren, or friends, that it is implanted in us for good, but it is indeed itself dependent, both for its usefulness and its continuance, on a higher principle, the love and fear of God.

The question of his profession was not hastily decided, and meantime Horsley went to Rotterdam, where a desk was found for him in the house of Sir

James Turing and Company, from whom he received much kindness.

It was impossible to separate from the question of the University that of the profession to which the University might lead. We all had in contemplation, though it could not then be finally determined, the service of the Church in Holy Orders; and from that point of view, I wrote to Horsley on the 28th September:—

The times in which we live are very far from happy with respect to the state and prospects of the Church, and especially with regard to the position in her of clergy holding such views as are generally held in our family. There is so saying what difficulties and temptations (not to mention persecution and obloquy) may yet be in store for the maintainers of Catholic doctrine. It is evident that all are not able to resist those temptations; and there is no saying how many or how considerable persons may not yield to them. I am not without serious misgivings about it; and although one should always hope and pray for the best, I have no confidence at all, and see no reason for confidence, that the Church of England, by her constituted authorities (I mean in regular Synod), may not do acts and pronounce decrees which might, in the view of some of us, materially alter her doctrinal position. Even if no contingencies of this kind were contemplated, and if a man thought he would himself be free from the particular temptations to which I refer (or at all events not more subject to them as a priest than as a layman), it is still to be considered that such times greatly enhance the difficulty and responsibility of every clergyman's duty; and that he will be then more than usually in danger of bringing scandal upon the Church, by any failure in these and similar points. And none of us can help seeing that a man may be eminent both for piety and virtue, without being able to unite on all occasions gentleness with courage, or unflinching rectitude with prudence. I think, therefore, not that a man should under such circumstances determine against taking Orders

(supposing that he could obtain them, which the progress of controversies might possibly make difficult to the holders of suspected opinions), but that he should be very searching in his self-examination, as to whether he has a sufficient call to take upon him so great a burden,—whether he feels that, with regard to his own temper and character, these considerations are not objections, more than in every other case; and (which is nearly the same thing) whether any of the faulty habits or propensities of which he is conscious are such as to make difficulties of this class more dangerous to him, than those which he might expect to encounter if he adopted the other proposed course of life.

The decision that he should go to the University, and that the mercantile career should be given up, was arrived at. I was myself in favour of his going to Cambridge; but his own wish was for Oxford, and in this William and Edwin agreed. He went into residence as a Commoner of Exeter College early in 1844. That he should aspire to honours was not, under the circumstances, reasonably possible; but in 1847 he took an ordinary degree with credit, as my Father had expected; and he was popular in Oxford society, and made many friends. My knowledge of contemporaries of my younger brothers at Oxford, who have since been my friends, particularly Robert Cecil, now Lord Salisbury, Goldwin Smith (who was on the Foundation of my own College, Magdalen), and John Duke Coleridge, Chief-Justice of England (whose brother Henry, a scholar of Trinity, was intimate with Edwin), also dates from that time.

When Horsley went to Oxford it had been contemplated that he might probably take Holy Orders; but before a final decision could be come to on that

point there was much to be considered. He desired my Father's and my own assistance and advice. I entered with him as far as I was able into the questions which seemed to me most to need consideration, and gave reasons why a man proposing to seek Holy Orders should not be disturbed or perplexed by other men's doubts and difficulties, or think it necessary on that account to give his own time and thoughts to the investigation of controversies, unless the difficulties were real and *his own*. "Until I do doubt" (I said), "I am not affected by any of the duties or consequences of scepticism. A man need not take physic till he is ill." With respect to the Roman controversy, I added:—

After all, you have quite enough learning to understand those matters on which this controversy, so far as you are yourself concerned in it, really turns. You can read the Bible; you have the three Creeds; and you can, if necessary, read such writers as SS. Clement of Rome, Ignatius, and Justin, who alone represent the earliest Christian antiquity. And you can inform yourself sufficiently of the general facts of ecclesiastical history. As far as I can perceive, however much learning may be *introduced* by theological disputants into this question, it does not turn ultimately upon any very learned points. Those who leave us generally go for the sake of an apparent unity, which they take to be more agreeable to the Scriptural and historical account of the Catholic Church than a state of interrupted communion between different members of one body, and for the sake of an authority which offers to deliver them from those perplexities in which their controversial habits have entangled them. Those who remain do so because it seems to them safer to adhere to the doctrine and practice which they have received, and between which and the religion disclosed on the face of Scripture, the Creeds, and the earliest Christian writers, there is no apparent discrepancy in any matter of substance, than to

adopt another doctrine and practice, so overlaid with matters of which no evidence can be found in Scripture, the Creeds, or the earliest writers, as to involve the danger of idolatry to all who voluntarily leave the other to adopt it (unless, indeed, they are *right*); and also because the Church of England satisfies every condition necessary to constitute a true Church, which can be discovered, either from Scripture or history, by any process which does not beg the question.

I did not think my duty, so far as I was an adviser on such a matter, completely performed, without taking some notice of the alternative of a secular profession, and how far the motives for entering into any such (supposing them to turn upon considerations of temporal comfort or happiness) would be likely to be realised or disappointed. That most promising in Horsley's case seemed (for particular reasons) to be the Bar of Doctors' Commons, not then extinguished, nor as yet threatened with extinction, —the Bar at which such men as Lord Stowell and Dr. Lushington had achieved fortune and celebrity. After pointing out the uncertainties of success, I described the alternative in terms coloured by my own experience, and concluded with words which, after the lapse of more than forty years, I should never hesitate, if advising any one whom I loved, to repeat:—

Of one thing I am myself quite certain—viz. that it is the greatest delusion under which a man can labour, to suppose that he will find pleasure or contentment in any profession whatever, which he may have chosen *for that reason*. Duty and affection are the only permanent sources of pleasure in the world; and even affection, if not indulged in subordination to duty, will not permanently satisfy. All shows of happiness

which seem to be offered by other things are mere falsehoods, by which the imagination may be flattered and puffed up beforehand; but they vanish, or throw off the mask, the moment they are touched.

In his final decision, in favour of offering himself for Holy Orders, Horsley was (as he desired to be) guided by my Father's judgment. My Father, on the 13th of March 1847, wrote to him thus:—

Without hesitation, then, in the circumstances in which we stand, I advise you to choose, as far as you are permitted to choose, the Church as your profession. In doing this, you are indeed permitted only to choose, so far as to endeavour earnestly and study to qualify yourself, with the intention of taking Orders, if approved, at the proper time. And this is all you can undertake and do yourself. In all other professions, if we see and judge rightly, we shall perceive that we can do more, but virtually must be called; which in the Church is done formally and directly. Men offer themselves, but they are chosen and sent. When one is said to *choose* the Church as a profession, and to *take* Orders, it is meant, that he chooses, if it be permitted; and takes, if it be given.

When I advise you, in this sense, to adopt the profession of the Church, it is with certain provisoes, which I will here name; —not because I at all doubt their being found in you, or that you are capable of much more than may be in my mind or yours at present, but because it is fitting they should be expressly named and considered, on the occasion of choosing a profession *ex consulto;*[1] being in themselves essentially necessary to enable a man to take Orders with safety to himself, and with the hope of serving so as to be approved of God our Saviour in this world and the next.

1. Provided a man proposes to himself, in the first place, as the end and object of his life, not the satisfaction of doing and enjoying what he *will* here, but acceptance with God, and the joy that is to come hereafter:—That, for the sake of this first

[1] Of set purpose.

object, he can forgo all things that naturally delight a man; not regarding death, or fearing it so much as the end of life, but rather as the beginning of a more real and enduring state.

2. Provided he be in the habit of maintaining in himself a perpetual and uncompromising strife with the natural disposition to do evil, and use the helps to victory,—prayer, watchfulness, self-denial, alms; and be disposed to live for others more than for himself, or rather for himself in them; seeking and desiring, by all means, to assist them in the salvation of their souls.

3. Provided, in his intercourse with the world, he adopt its customs so far as he lawfully may, on the principles of humility and love,—that is, of not drawing the notice of others on himself, and of not depriving himself of the power of persuading others to their good, by an unreasonable and offensive singularity. And, while he thus desires to become, on a right and good principle, and according to the Apostle's judgment, "all things to all men," he admits not the advancement of his own fortunes, nor the pride of rank and appearance, nor the desire of the world's favour for its own sake, nor the fear of its displeasure, as a principle or motive in his mind.

4. Provided it be felt, that these principles (while they evidently admit of any state or condition of life which a man is free to choose according to God's holy law as most convenient for himself, and the happiness of enjoying with thankfulness every good thing that God may give),—together with the consciousness that the business of a clergyman's life is to lead and instruct others,—do yet involve, as necessary and special duties, certain habits of life, viz.—

(1) The habit of study; that we may be enabled to teach.

(2) The habit of observation and reflection; that we may be ready to warn and to exhort.

(3) Of not indulging, as matters of course and without thought, in common amusements; but, at the same time, without morosely and unnecessarily condemning them in others.

(4) Of being contented with small means, and neither surprised nor hurt if not treated with all the consideration and respect that our office may be entitled to.

(5) And lastly,—but most necessarily,—of a constant regard to the expenditure of our means, without which there is the

greatest danger of failure in effect; for he that has nothing to give will not always have enough to pay; and there is nothing so bad as a clergyman in debt; from which due care may preserve one without any preferment at all; and to which the want of care will expose the very largest incomes the profession has to give.

This question being settled, the time between March 1847 and August 1848 was spent at Oxford and Mixbury, in preparing for Holy Orders; and in August 1848 Horsley left England upon a foreign tour, of which the principal object was to visit the Holy Land. Passing through France and Italy, he sailed from Naples, by Messina and through the Ionian Islands, to Corfu, where he was hospitably entertained by Lord Seaton, then High Commissioner. From Corfu he went to Athens, by way of Corinth; from Athens to Smyrna and Constantinople; and from Constantinople to Beyrout, where he arrived about the 10th of November. He devoted the rest of 1848 to the northern part of Syria—the Lebanon and Antilibanus, Antioch, Baalbec, and Damascus, and other cities of that region. Early in 1849 he visited Galilee, and all the most interesting sites of the Holy Land west of Jordan and north of Jerusalem; arriving at Jerusalem in February. Crossing the Jordan on the 18th of March, he visited the country east of that river—the Hauran, Gilead, and Decapolis. He returned to Jerusalem in time for the Holy Week; and then turned his steps homewards, arriving in England in June 1849. He spoke, at that time, of this journey as "the one bright joyful epoch of all his life, past and to come." His journals were

well kept, and very interesting; if published (as he once intended) they would have anticipated, as to the Hauran (a region seldom visited, and little known), much of the information given to the public by Mr. Cyril Graham, in his *Ruined Cities of Bashan*. He was ordained deacon, as my Father's curate, in the following year.

Edwin obtained a fellowship at Balliol in November 1845.

26th November 1845.

DEAREST EDWIN—The question as to the future, for the next two years at least, no longer admits of delay. As no more than we owe to one another, I should like to see you take an active part in assisting your juniors who are emulating the same honourable distinction you have yourself attained. Going over the same ground with less labour and less of a personal object will be attended with advantage; and so you may, as you propose, assist one or two of those you love and favour, who will pay you only in kind with friendship and affection; only all this not carried so far as to interfere with further studies of your own, but used rather as a species of recreation.—Yours ever, W. J. P.

He remained in residence at Oxford till the spring of 1849; when a weakness of the throat or chest manifested itself, which was for a time the cause of anxiety to his friends. Of the estimation in which he was held, some words of Dr. Moberly (no flatterer), in a letter to me written in August of that year, are good proof, although thrown (as real feeling often causes such words to be thrown) into a comparative form, which need not be literally taken. "Here" (he said) "is the one young man of all the generation, as

far as Oxford contributes to it, the most promising in ability, learning, sweetness of mind, and depth of character; and on him seems to fall first that mark of Divine favour, early failing of health."

No material improvement seemed to take place during that year; and, when winter came on, rest and change of climate were recommended for him. This advice fell in with my brother William's plans, after the termination in September 1849 of the business which had so long occupied him in Scotland; and it was decided that they should travel together; my Father placing confidence in Edwin's discretion, and also in William's forbearance to urge upon him any opinions which separated him (in ecclesiastical sentiment) from the rest of the family.

William's tone became more gentle (though without change of his opinions) as time went on. In May 1849, in reply to a letter in which my Father had said, of matters of belief and unbelief, "that there is a tide of flood, and, when the waters have reached their height, then comes the ebb," he answered that this was "most true, as far as the human element, even in the Church itself, was concerned."

And therefore (he continued) I should be disposed to agree with you thus far at least, that a prudent man should be very slow and cautious in making any change for himself, and should above all things distrust himself if he feels any disposition to be carried away by the example or influence of other men, whether individuals or multitudes or societies, beyond his depth. By the expression, beyond his depth, I mean, so as to commit himself to anything which he has not received from the beginning, without having a sufficient personal knowledge of its

truth and propriety; or so as to reject or slight anything which he has received from the beginning, without having a sufficient personal knowledge of its falsehood or impropriety. Also, I should be very sorry to think hardly of any man, who seemed honestly, and from a feeling of duty or prudence, to endeavour to keep on his course (*i.e.* the course which he seemed to himself to have received), out of what seemed to him to be the two extremes or streams or currents of human opinions, sucking him towards them like Scylla and Charybdis on either side. I would not think hardly of him, even though he and his boat seemed to me to be drifting or steering down a stream of human opinion, while the Scylla and Charybdis on either side of him claimed to proceed, and seemed outwardly to come down, from a higher source. Nay more; I would not think hardly of him, even though he seemed to me to turn away unreasonably from plain and glaring truth, which might lead him, if he dared to follow it, to see the error of his sect.

In reply to a birthday letter[1] from my Father, he wrote from Edinburgh, foreseeing the impending failure of his *Appeal*, though perhaps not its absolute and final rejection:—

Thank you for your very kind and fatherly letter, in which you wish for me what I also would wish for myself. Thank you, too, for thinking to write it on my birthday; though I did not need that proof of your remembering it and me, to make me feel that I was in your thoughts. I share your feelings of comfortable and good hope and confidence as to those of our relatives who depart, or shall depart, in peace and hope, after having sought and desired to do their duty here. I feel the blessing of having had here on earth such relatives, and such examples and lessons; and I thank God daily for them, and desire nothing else for myself than to be found with them at the last, and at their feet, most unworthy though I am, and ever have been from my earliest childhood, of all the blessings that have been lavished upon me. While I say this, you will not, of course, misunderstand me to imply that I identify absolutely

[1] William's birthday was the 12th of July.

those virtues which I love and reverence in any, and which I would wish to follow in some degree,—at least by sorrow for my own contrary faults, — with their inherited ecclesiastical state or opinions; nor to dissemble my conviction, that what may be a bounden duty to many around me, having such grounds as they have for retaining or forming their opinions, may be to me sin, if I have different grounds or opportunities of seeing or judging from them. I cannot but say this, because I have long felt the ground on which I stand in the Anglican Communion narrowing under me year by year, and promising to the merely intellectual eye to become, before many more years pass (if I live), untenable. And recently, in respect of the *Appeal* I am prosecuting here, I have had reason to suspect that it may come to an unfavourable termination sooner than I had before contemplated,—not, however, in any case, for a year or two yet. However, if this should be, and I should in consequence find myself intellectually without any reason to give or plead in my own conscience for continuing as I am, I should be inclined not to take any step immediately, but simply to announce to you the fact; and then do whatever you advised and wished, so long as we were both together in this world. This I should do deliberately, not on the ground of its being right to act against conviction, but on the ground of the junior members of the family being one with the head, and the intellectual opinion or conviction which we may have being only one part or element towards giving us a principle of duty or action. I do not know whether you will understand this; and it is possible that things may never come to such a point, owing to one or other of different contingencies. . . . Having said this now, I shall not of myself return to this subject; but shall only continue to give you, or my Aunt Mary, from time to time, an account of whatever may pass in my affair here; from the nature of which reports you will be able to form your own conclusions, as to the turn things may be taking, and their probable effect on my mind.

My Father answered him :—

I am well pleased to learn that you are likely to keep your position for a year or two; and hope the standing-place will not

give way, or seem to you to give way (which would be the same thing), even so soon. If I should live, however, I will reserve my last words till the time comes of which you give me notice. That I do not perfectly understand you, I am quite aware; and perhaps you may not understand me. But as you speak of announcing a fact, and then doing for a time whatever I shall advise and wish, I will just say now that my advice would ever be, to pray for a right understanding in all things, without leaning too much upon one's own; and to do nothing against the conscience—*i.e.* nothing which is justly and properly the subject of conscience—remembering that the conscience can never approve or condemn things contrary to the understanding, though it be a principle quite distinct from and above it. I shall rejoice in feeling that I am one with you while we live together on earth; and hope still to be one with you when we die. . . . When a grave question has been raised, it ought to be settled; and such a question may be raised by the humblest individual, even such as you or I. You have raised the question; and, if you do not desert it, you may live to see it settled, pursuing it with the judgment, temper, and ability you have shown,—qualities all of which will improve as you advance in the exercise of them. But I am not likely to see it settled; for I fear, with you, there is little appearance of its being settled now.

The qualities, thus affectionately recognised by my Father in William, as well as his indomitable patience and perseverance in the line of action which seemed to him right, notwithstanding all discouragements and obstacles, and his absolute disregard of self, were certainly excellent, and they were admired by all who knew him, whether approving of his line of action or not. Thus, in May 1849, Goldwin Smith wrote to me :—

I have been reading your brother William's book.[1] It

[1] Probably his *Appeal to the Scottish Church*, as first printed, in an incomplete form.

seems to me to be the most genuine, if not the most powerful, thing that has been produced in all this controversy. From what he said to me in conversation, I should fear he stands on a very narrow ledge, and that a few months will see him a member of another Church than ours. I can't enter into the motives which will induce him to leave us; but I shall not regret his loss the less, or think it a less severe blow to the communion which he leaves, because his reasons for desiring to belong to such a system as the Russian are beyond my comprehension.[1]

Frank Faber said, in a letter dated the 21st of August 1849:—

I have had several letters from William, having urged upon him the injustice of leading the Russian theologians to suppose that the Scottish Church is not orthodox, merely because the Bishops refuse to hold a Synod at the wish of an English deacon. . . . But *nihil valui*.[2] William never thinks of practicability; and in that consists, *me judice*, his great superiority of character. Whatever, in his opinion, ought to be, in his opinion *can* be: and he rejects all *οἰκονομία*,[3] all management, entirely.

William and Edwin left England for Athens on the 26th of October 1849. They went through France, not hurrying on the way; and took the steamer from Marseilles to Malta, reaching Athens from Malta on the 22nd of November. They remained at Athens till the 26th of March 1850; when they went to Smyrna to meet a Russian corvette, in which Admiral

[1] Mr. Goldwin Smith wrote in August 1895:—"I cannot tell you how much I loved and revered your Father. He admitted me to his friendship when I was an undergraduate and he was a Fellow of Magdalen. He was a marvellous union of strength of character and intellect with tenderness and refinement. I used also to see a good deal of your Uncle William, who was a man of genius and a most interesting person."—S. M. P.

[2] I could do nothing.

[3] Economy.

Count Poutiatine (the most intimate of all William's Russian friends, who was then on service in those seas) gave them a free passage to Beyrout, not accompanying them himself, but joining them afterwards at Jerusalem. While they were at Athens, the celebrated reprisals by the British fleet, to exact compensation from the Greek Government for the supposed wrongs of the Jew Pacifico, took place. They arrived at Beyrout on the 6th of April, and made the tour of the Holy Land in the company of their Russian friends; which enabled them, wherever they went, to see the ecclesiastics of the Greek Rite, their churches, monasteries, and ceremonies, to great advantage. They spent Whitsuntide at Alexandria, leaving that place on the 24th, and reaching Smyrna on the 27th of May. Thence they went to Constantinople, where they remained till the middle of July; visiting, on their way home, the peninsula and monasteries of Mount Athos, a full and interesting account of which was contributed by Edwin to the *Christian Remembrancer* in the following year. Before the end of August they were again in England, Edwin's health being much improved.

In one of William's letters from Constantinople (dated the 19th of June 1850), there is a curious anecdote of Sir Stratford Canning, showing what ready credence the "great Elchi" gave to every tale against Russia:—

"Sir Stratford Canning is very open in avowing his prejudices and suspicions against Russia, and amused me much by some conversation which I had

with him a week ago. To prove how the Russian Goyernment was intriguing, he alleged that they caused books to be printed at Moscow containing the most abusive and virulent language against the Turkish Government, and then sent those books across the frontier for distribution among the Christian subjects of the Porte. Two of these books had been brought to him, he said, with the most mischievous passages marked, and a translation of them in French (all which he had, no doubt, been made to pay for handsomely). I requested to see the books; and he took me into the next room, and showed me, to my extreme amusement, a copy of the Russian Psalter, and another of the Priest's office-book. In the one there was a prayer for the success of the Christian armies against the enemies of the Faith, and also for bringing to an end the empire of the Saracens, and its transfer to believing Sovereigns. In the other there was a form for the reconciliation of Mohammedans to the Christian Church. All was, of course, much older than the Emperor Nicholas, his government or dynasty. The *delator*[1] had carefully marked the '*Printed by His S. Majesty's command,*' in the first page (like the similar form in our Bibles and Prayer-books), and made a reference there to the obnoxious passages,—somewhat stronger, certainly, than our Collect for Good Friday,—at the end."

[1] Informer.

To Edwin Palmer

Finmere, *30th June* 1850.

. . . As to the time to come I pray God to promote my wishes or defeat them as He knoweth to be best, and so to guide you with His counsel, as that you may be led to do a work conducive to His glory in the well-being of others, and so to your own and their salvation in Christ our Lord. . . . Here I came, the day after the roof was stripped, to get out of the way of the work that was going on. Aunt Mary, if she does not nurse me, takes all manner of care of me. She herself is, thank God, for her time (aged 83) very well, and regularly attends the Daily Service, morning and evening, and we amuse ourselves with a game at whist at night. All this by way of pastime, but in the hopes of being refreshed and of more use in the time which may remain, or else received by the mercy of God and the merits of our Saviour to a state of life without sin, and of health without infirmity, and of love without alloy. Yet we look forward still to the affairs and fortunes of this present life for our children, for whom we cannot but earnestly desire they should profit by our experience and avoid our errors.—Yours ever, W. J. P.

Charles Currer (now Roundell), my uncle Currer's youngest son, took a good first-class in classics at Oxford in 1850, and in the next year he was elected to a fellowship at Merton, and obtained the Chancellor's prize for the English essay,—the same honour for which I had twice unsuccessfully competed.

To this narrative of the family events of 1849-50, it must be added that on Lady-Day 1850 my second daughter, Mary Dorothea (now Countess Waldegrave), was born.

Our long vacation in 1850 was devoted mainly to visits to my uncles, at Gledstone and York, and to excursions among the most picturesque Yorkshire

scenery. Besides the spots usually seen from Gledstone, we went to Knaresborough, Ripon, Fountains Abbey, and Hackfall. With our visit to Fountains Abbey was associated a little adventure. My wife had with her, and had used for sketching in more than one part of the grounds of Studley Park, a small pocket leather case, containing pencils and brushes, etc., which she valued as her mother's gift. We were due that evening at York (22 miles from Ripon), and arrived there an hour or two before sunset. After our arrival, the small leather case was missed; and we concluded that it must have been left behind, or dropped, somewhere in Studley Park. The time made it just (only just) possible to reach Ripon by rail, and Studley from thence by fly, before the hour for closing the park gates; but I determined to go back at once, upon an almost hopeless search for this lost treasure. I did so, reaching Studley before the gates were closed; and I had begun to retrace, as well as I was able, the paths by which we had come down through the grounds, when I met a labourer, or park-keeper, passing under an archway, from the direction in which I was going. I described to him the thing of which I was in search; asking, desperately, whether he had happened to see it, either left upon any of the seats, or dropped upon any of the walks? He produced it immediately out of his pocket; and I returned with it to York, rewarded for my trouble by the pleasure of restoring her mother's keepsake to my wife, and proving that the husband was a lover still.

CHAPTER XXXV

GORHAM CASE, AND ITS CONSEQUENCES—PAPAL AGGRESSION

1850–1851

In Goldwin Smith's letter to me, of May 1849 (already quoted), he described the theological condition of Oxford at that time, so as to show that the tendency to a Rationalistic development there, which some have regarded as a consequence of the abolition of religious tests in 1854, had set in earlier :—

At this moment (he said) Puseyism, though it is still living, looks dead ; and, humanly speaking, stands in no small danger of becoming so, if it cannot soon fill up the void among its leaders. The general state of men's minds here is what you might naturally expect after a long period of fierce controversy. Torpor and apathy prevail. Even Froude's book[1] seems to have made no sensible impression. The better sort of men are turning to practical matters, new Examination Statutes, and University Reform. The worse sort are becoming more careless and more sensual. There are great fears and rumours of infidelity, which, from what I can learn, seem to be so far well founded, that a certain number of men may be growing up, not exactly in infidelity, but in the belief that Christianity is an open

[1] *The Nemesis of Faith*, by J. A. Froude.

question. However, on the whole, I can see no reason to be otherwise than hopeful, provided that the young country clergy hold fast to the principles that they have carried away with them from this place, and that Puseyism here gets itself a leader or two. Pusey himself has said that "life is too short for controversy," and has shut himself up from the struggle. Mozley[1] is a strong man, morally and intellectually: I think him more so, every time I see him: but there is something wanting, I know not what, to the leader of a religious movement. And religious movements, as well as social and political, unfortunately must have leaders.

This was the state of the theological atmosphere, at the centre of controversy, when a new cause of excitement arose out of the Gorham judgment, early in 1850. The Court of Arches had decided, on the 3rd of August 1849, that the Bishop of Exeter[2] had shown sufficient cause for refusing to institute Mr. Gorham, a nominee of the Crown, to a living in his diocese, because that clergyman's doctrine on the subject of Baptism was at variance with the formularies of the Church. But the Judicial Committee of the Privy Council reversed that judgment; not (as might perhaps have been reasonable) on the ground that Mr. Gorham, using the same theological language with the formularies, did so nevertheless in a different sense; but for other reasons hardly to be reconciled with the rules of interpretation applicable to written documents. They deduced, from some questionable instances of published opinions of divines in former times, which had been suffered to pass without

[1] James B. Mozley, then Fellow of Magdalen; afterwards Regius Professor of Divinity.

[2] Dr. Phillpotts.

censure, the conclusion that a clergyman might lawfully call in question, in his writings and teaching, the certainty (or even the possibility of any knowledge of the truth or falsehood) of that which, as often as he baptized an infant, was positively and unconditionally affirmed, in the words put into his mouth by the Church. The decision was not unanimous; the ablest Bishop upon the bench (Blomfield), and the ablest (Knight Bruce) of the lay Privy Councillors present, dissented from it. It produced a great commotion. High Churchmen, of every shade of opinion, protested against it (one of those protests was signed by Page Wood, afterwards Lord Hatherley, and myself); while the Evangelical party generally welcomed it, as establishing in their favour a liberty of opinion which few but the most extreme Calvinists among them had until then assumed. For my own part, it seemed to me equally difficult to understand from a lawyer's, and from a Churchman's, point of view. I think I was the author of a saying about it, that "the Judges took their law from the Bishops, and the Bishops their divinity from the Judges."

My Father, sending a copy of this judgment on the 23rd February 1850 to my brothers at Athens, wrote:—"As to which I will say nothing, except that I think it so wrong, as to require an alteration of one kind or another." I was kindly, but sharply, taken to task by my good friend Lady Brodie, for signing the Protest (I believe she mistook the document which I actually did sign for another);—she called it "the late painful document, so wanting

in Christian love and humility." She sent me, at the same time, a pamphlet by Archdeacon Julius Charles Hare, which both she and her husband approved. In my answer (after some explanations as to what I did sign, and my reasons for doing so), I said:—

As you have been so candid with me, I will be equally so with you, and will tell you both what I think of Archdeacon Hare's pamphlet, and what of the judgment. I do not at all wonder at your and Sir Benjamin's approbation of the pamphlet; it is very excellent, and in an admirable spirit. I myself agree with it in point of doctrinal opinion; in the estimate it presents of the Evangelical clergy and the extreme value of their ministrations to the Church; in the counter-estimate it gives of many of the features of the High-Church agitation; and in most of its criticisms upon the protest signed by Archdeacon Manning and others, which is its immediate subject. Nor am I at all less disposed than Mr. Hare to do justice to Mr. Gorham's honesty, and to admit the reasonableness of placing a candid construction upon his statements, and the unreasonableness of interpreting the judgment as if the judges had construed his statements otherwise than they did. Mr. Hare also thinks (as I do) that even the difficulties of the present moment are no reason why we should not ask for Convocation; in the trust, "that what would be right at ordinary times may likewise be so now; and that, if we act upon this general principle, God will direct the issue to the good of His Church."

What I do *not* concur with Mr. Hare in is his approbation of the judgment of the Privy Council; nor, I confess, can I reconcile it with his statement that, "when I put together the various passages in our symbolical books bearing on this question, I cannot come to any other conclusion than that our Church *does* plainly assert the regeneration of every baptized infant." The judgment of the Privy Council is the precise negative of this proposition:—viz. it decides that, in the passages to which Mr. Hare refers, our Church does *not* assert the regeneration of every baptized infant. If Mr. Hare's inter-

pretation of the services is correct, that of the Privy Council is (to use his own word) *plainly* erroneous. And yet Mr. Hare pronounces the judgment of the Privy Council a "*wise* decision," —avowedly and expressly for reasons of expediency, which are entirely beyond the province of a court of law. An erroneous judgment, pronounced for reasons of expediency, cannot be just or wise, so long as it is wrong to do evil that good may come. But if the judges (as we are bound to suppose) delivered their judgment, not because they thought it expedient, but because they thought it gave a true interpretation to the Formularies of the Church, then I do not see how any one, who thinks that interpretation "plainly" wrong, can with consistency consider the judgment wise.

In the view I take of it, the judgment is not only wrong; but (taking the effect of it from the reasons given by the Court itself, and not from anything else, whether to be found in Mr. Gorham's book or elsewhere) it is of such a nature as to place the Church of England in a false and inconsistent position, with respect to the whole practice of Infant Baptism. I look upon the question as much more one of infant baptism than of baptismal regeneration. The Court appears to me to have treated it as the clear doctrine of the Church of England, that *all who receive baptism rightly are spiritually regenerated*, either in baptism or by a prevenient act of grace, of which baptism is the seal; and, so far, I see nothing to complain of in the judgment. But then the question arises, whether the Church of England does or does not hold that all infants brought to baptism according to her order and appointment receive baptism rightly? And it was certainly decided (as I understand the judgment) that the Church of England does *not* affirm this, so as to make it repugnant to her doctrine for a clergyman to hold and teach the contrary. How this can be reconciled with the practice of infant baptism,—with the Article affirming that "the baptism of young children is in any wise to be retained, as most agreeable with the institution of Christ,"—with the use of an office so worded as ours of Infant Baptism,—or with the declarations of our Church as to the danger of profaning sacraments by unworthily receiving them,—I cannot understand. For it comes to this, that the Church requires this sacrament to be ad-

ministered to the generality of mankind, at a time and under circumstances which make it impossible to distinguish, by any evidence whatever, even of a probable kind, whether any person so baptized is capable of receiving baptism rightly or not. Nothing like this takes place in adult baptism, from which an argument has been drawn. In adult baptism, the service (no doubt) proceeds upon the supposition that the adult has the qualifications necessary for a right reception. But that supposition is only made in reliance upon the positive (though not infallible) evidence of fitness, afforded by his apparently sincere profession of repentance and faith. How can a Church be justified, upon any pretence of charity, in making that supposition in a case in which there is neither this evidence of fitness nor any other? For, if the fact of infancy itself be not evidence, scripturally and reasonably sufficient to induce the belief that every infant baptized according to the order of the Church receives baptism rightly, there is plainly no other evidence on which such a belief can be rested in any particular case; and the very generality of the practice shows most clearly that the Church *does* assume the fitness of all. If I did not believe that when the Lord says, "Suffer the little children to come unto me," He means *all* the little children whom in His Providence He causes to be brought, I should be at a loss for any scriptural warrant for bringing my own child, before she had at least grown to an age at which the signs of grace might be capable of appearing.

It is on these grounds that I think our Church dishonoured by this judgment. And when I bear in mind that in placing a construction upon the formularies *against* the literal meaning of plain words, the Court did not profess to derive aid from Scripture, or from the doctrine with which infant baptism was accompanied and explained in the Church from the beginning—nor, indeed, from any theological principle whatever—I can place no limits to the influence which this judgment may hereafter have, in breaking down the landmarks between truth and error in the Church of England, not on this subject only, but on others of even greater moment, on which the whole body of the Evangelical clergy will be as anxious to maintain them as myself. And now, one word with respect to the position of the Evan-

gelical clergy generally in this matter. I confess freely that if anything could shake my convictions, it would be the circumstance that the Evangelical clergy generally have spoken, and felt, and acted, as if they were involved in Mr. Gorham's case. If I believed that the *legitimate* tendency of any protest against this judgment, or the practical effect of the success of such a protest, would be to disturb their position in the Church, I could not have overcome my disinclination to join in it. But feeling (as I do) that upon this question the Evangelical clergy have taken up the defence of a cause with which there is nothing in their essential principles to identify them, and believing that cause to be a wrong one, I cannot suffer my respect for persons to deter me from being faithful to what I think the truth; and (in the words of Archdeacon Hare about Convocation) "I would fain trust that, if I act upon this general principle, God will" (pardon me and enlighten me if I am wrong, and, if not,) "direct the issue to the good of His Church." What I believe, in point of doctrine, is really as much the belief of the Archbishop of Canterbury, of Archdeacon Hare, and of Mr. Charles Baring (though he uses different language), as it is mine. And, while I have this conviction, I do not and cannot doubt, that a synodical decision of the Church would be more likely to clear away misunderstandings, and to place the doctrine of the Church upon a basis satisfactory to all pious and moderate men, than to produce any worse results.

There was a widespread desire on the part of those who disapproved of this judgment, that something should be done to counteract its effect, or at least to fortify the Court of Final Appeal in ecclesiastical cases, so as to enable any future decisions on doctrine to deserve and obtain the confidence of the Church at large. I had, with others, signed an address to the Bishop of London, asking that he and the other Bishops should consider what it might be desirable and possible to do; and the result was, that he introduced into the House of Lords (in that or the follow-

ing year) a bill to enable or require the Judicial Committee to refer theological questions coming before them to the Bishops or other divines, as *experts*:— but that bill was rejected by the Lords, by a large majority. More than this seemed to many necessary; but the practical question was complicated by the divergent views and different states of mind, with regard to the Church of England, of those whose co-operation must have been accepted, to make any movement effective. Archdeacon Denison sent me a paper, drawn up by the Rev. M. W. Mayow, for a reference of this question to Convocation, upon the same principle on which miscarriages or inconvenient determinations of the law, by the Temporal Courts of final resort, may be corrected by secular legislation. My answer to the Archdeacon was, that I did not think it would be right, after having signed the address to the Bishop of London, to take any step which might anticipate its result.

For myself (I said) I may as well add that, although I have a decided opinion and feeling about the whole matter, it is my resolution not to step any further out of my own immediate vocation in it. For this, I have both private and public reasons. Of the private, I need mention none but the chief, which is, that in these dangerous times a man's first concern is with his own soul; and I feel my own progress in personal holiness to be far too little to make it safe for me to have more to do with religious controversy than I can possibly help. For the public, it is enough to say that I could not feel easy under the responsibility of moving in a contest like this, in any self-chosen way, unless I felt more perfect confidence in those I should have to act with, and a more distinct perception of and adhesion to their views upon the matter in question, and other matters, than

I can honestly profess in this instance. I see that some, and these the most moderate (*e.g.* the writers in the *Christian Remembrancer* and the *English Review*), are inclined to place the question on grounds which seem to me to be untenable, and which go far to neutralise the importance of the point at issue, if not to justify the decision of the Privy Council altogether. Others, and probably the great majority, seem to misunderstand the legal effect of the judgment, and to make matters worse by treating it as a decision upon propositions which the judges refused to impute to Mr. Gorham, on what they considered the fair construction of his words.

Under these circumstances, and having made up my mind that there is nothing in the judgment which, if unredressed, would make it necessary or right for me to leave the Church of England, I am more disposed to doubt whether I may not have done too much already, than to travel out of my direct vocation for the purpose of doing more. What I consider the point decided by the Privy Council is, that the Church of England does not positively affirm that every infant baptized according to her orders *receives baptism rightly*. This would, in my opinion, be best counteracted by a simple synodical declaration, that all infants so baptized *do*, in the judgment of the Church of England, receive baptism rightly.

To the Rev. John Keble

Lincoln's Inn, 10*th May* 1850.

. . . Enough surely is doing and likely to be done to amount to such a protest as shall save the Church from the imputations of acquiescence. Besides, "to whom should we go?" I cannot give the answer of those, to whom Rome is as a Church without error; and I think I have found and known that He, Who "has the words of Eternal Life," is *here;* great and many as our sins and deficiencies may be.

With respect to this judgment, I hope I do not presume too much if I say that I am not satisfied that its evil consequences may not have been over-stated. It does not appear to me to touch the question of *Baptismal Regeneration*, in the sense of "the spiritual regeneration in and by Baptism of those who *receive*

Baptism *rightly.*" This it seems to me to assume, if anything, rather than deny; and the way in which it makes a loophole for Mr. Gorham is, by supposing that there may be infants, as well as adults, who (though brought to Baptism according to the Church's order) do *not receive Baptism rightly.* This is certainly a most shocking and baseless notion, and fundamentally opposed to the whole of our services, and to the whole practice of Infant Baptism. But is it not rather the *practice of Infant Baptism*, than the *doctrine of Baptism* ἁπλῶς as stated in the Nicene Creed which is thus assailed?

Of course, I consider the judgment only with reference to Mr. Gorham as interpreted by his judges, and not with reference to the statements in Mr. G.'s book which the judges choose to ignore.—Believe me ever, dear Mr. Keble, yours affectionately,

R. PALMER.

Some of the most thoughtful members of the High Church party (whether satisfied or not with the reasons given for the judgment) were not dissatisfied with the practical comprehension which was its result. They saw that the root of the whole controversy was in the Calvinistic dogma of predestination to salvation or reprobation, and the corollary, drawn from it, of indefectible grace and the necessary final perseverance of those once brought into a state of salvation. James Mozley, in a long letter, explained to me (as he did afterwards in an elaborate work to the general public) that the doctrine of baptism had come down to us modified by St. Augustine and his followers from its original state, and with a departure by the holders of the Augustinian doctrine (which had nevertheless been allowed, if not approved, by Fathers, Popes, and Schoolmen) from the primitive sense of the word "regeneration." The extreme Calvinists, after the Reformation, had gone further,

and had not acknowledged even that sense of the word, as signifying *some* benefit conferred on all baptized infants, which the Augustinians admitted. "But" (said Mozley), "as things quieted down, the tendency was to recur to the original predestinarian language, and to admit regeneration in the sense of remission of sin." To exclude from the Church of England variations of doctrine and of ecclesiastical terminology which had been tolerated in the whole Latin Church from the days of St. Augustine, and the condemnation of which would have condemned that Father himself, did not seem to such men as Mozley to be reasonably possible.

These were considerations which, though they might have weight with dispassionate minds, had little effect upon the more impatient spirits. Many of those who maintained their ground in 1845, notwithstanding the example and the arguments of Newman, now or soon afterwards followed him into the Church of Rome, —among them, Archdeacons Manning and Robert Wilberforce, Henry Wilberforce, and Thomas William Allies; also James Robert Hope, and his friend Edward Badeley, a learned lawyer, who had argued for the Bishop of Exeter before the Privy Council.

To inflame and exasperate the excitement consequent upon these events, Pope Pius IX., in the autumn of the same year, issued his *Letters Apostolic*, establishing a diocesan Episcopacy for the future ecclesiastical government of the English Roman Catholics, and for that purpose dividing England into dioceses. This "papal aggression" drew from

the Prime Minister, Lord John Russell, one of those sensational letters in which he delighted, addressed to Bishop Maltby of Durham: which served as a signal for popular demonstrations all over the country. Among other incidental effects of this commotion of the public mind, was a series of anonymous attacks on myself for my religious opinions, in some of the Plymouth newspapers, of which I was compelled to take notice, because (among other things) some want of candour and plain dealing with my constituents was imputed to me. I wrote several letters, some to Dr. Yonge (which he, with my consent, published) and others to the local papers. Of these, one dated the 6th December 1850 was addressed to Dr. Yonge; and another on the Royal Supremacy (dated the 30th of December), to the editor of the *Plymouth Herald*. The former I give fully:—

DEAR DR. YONGE—I see in yesterday's *Plymouth Journal* a letter signed "An Elector," and entitled "Puseyism and our Representatives," the object of which appears to be to challenge me to a declaration of my religious opinions. The writer says he believes me to be "a Tractarian or Puseyite," and adds: "If he be not so, I ask his pardon; but he owes me his thanks for putting on record here, and letting him know through your means, what a great many persons say of him." He also trusts that "means will be taken to induce Mr. Palmer to declare what his sentiments are; and that, if they be found to be not up to the Plymouth stamp, he should be told that he has lost the entire confidence of the constituency."

I leave you to judge whether there are any sound reasons why I should not take notice of this. For my own part, I have no wish to be misunderstood upon any point on which the constituency at large, or any considerable portion of it, may desire to know my sentiments; and I have far too grateful a sense of

the kind and generous confidence hitherto reposed in me by the great body of the Conservatives of Plymouth, to be willing to compromise their interests in the borough by standing merely on the right (which perhaps I may possess) of demurring to any inquisition into my private belief. Upon that belief, my political relations with Plymouth can, of course, exercise no influence whatever; but I certainly feel that I ought not to represent Plymouth, if a public avowal of my religious belief would disentitle me to the confidence of my constituents.

First, then, with respect to the term "Tractarian" or "Puseyite" (which according to my observation most men apply to every degree of Churchmanship which happens to be higher than their own), I can say nothing, except that I utterly repudiate it, and every such party designation, if it is used to signify any inclination, either avowed or secret, to Romish doctrines or practices; any disaffection to the principle of the Reformation; any superstitious love of forms or ceremonies; any disposition to exalt Church authority above the Bible; any substitution of human merit or of the virtue of a sacerdotal system for reliance on the free grace of God in Jesus Christ as the only means of salvation;—then, and so far as it is considered applicable to any of these things, it is not applicable to me. Or if it is meant to imply connection, by common views and purposes, with any party who are hostile to Evangelical men or Evangelical doctrines, and would wish to exclude them from the Church of England,—in that case, also, it has no application to me. For, though I differ on some important controverted points from a majority of the Evangelical party, I have the highest value for their zeal, and piety, and services to the Church; and I agree with the best and most moderate of them whom I know, on all points which they would consider essential. But if it be Tractarianism to be earnestly devoted to the Church of England, anxious to vindicate her rights and promote her spiritual efficiency; if it be Tractarianism to believe (in their natural sense and without reservation) the doctrines expressed both in her Articles and in her catechism and liturgical formularies, and to be well satisfied with the Prayer-book as it stands; if it be Tractarianism to think that the mission of every true Church is from God, and not from kings or parliaments, and that doctrines

of absolute prerogative, which have long been exploded in civil matters, are quite out of place in spiritual,—in this sense I shall not be careful to disclaim being a Tractarian. But then, I shall remember for my justification, that, in this sense, Ridley, Hooker, Jeremy Taylor, Ken, and Beveridge would also have deserved the same appellation.

The other letter, on the Royal Supremacy, was longer; I extract some parts of it. I said:—

My view of the matter is this. The Sovereign, as the legislative, judicial, and executive Head of the State, has a supremacy of temporal government, according to the law of the land, over all persons and estates of men, and in all causes (*i.e.* judicial proceedings recognised by the law) within her dominions. . . . I consider the Sovereign, in this respect, as in all other points relating to her public capacity, only as the Head of the State; and the only general distinction between the authority of the State, thus represented by the Sovereign, over the Established Church, and that which it exercises over voluntary Churches or religious communities, consists in this—that the laws and institutions of the Established Church, concerning both spiritual and temporal matters, are adopted into and enforced by the public law of the land; while those of voluntary Churches and religious communities stand merely upon the footing of private agreements. . . . The result is, that the Sovereign has not, as some from their language would seem to suppose, a temporal supremacy in temporal things, and a spiritual supremacy in spiritual things,—it is one undivided temporal supremacy, extending to all persons, causes, and things, whether ecclesiastical or civil, of which the law of the land takes cognisance, and upon which that law has operation. It does not, and it cannot, extend to the province of religious belief, or to moral and spiritual obligations recognised by the conscience as springing from a source higher than the law of the land. The notion of a proper spiritual supremacy of the Crown involves the alternative either of a State papacy or of a merely political Church. No such Antichristian pretension has been made by any English Sovereign since the time of Henry VIII. . . . It will be perceived that I see nothing to censure in the definition of

those who limit the royal supremacy to "temporal things, and the temporal accidents of spiritual things." But it will also be understood that I do not concur with them in thinking that limit transgressed by the cognisance recently taken of an ecclesiastical cause, involving a question of doctrine, before the Judicial Committee of the Privy Council.

My wife sent copies of the correspondence, of which these letters formed part, to my Father; and I had the gratification of knowing that he approved them.

Very many thanks (he said on the 14th February 1851) for the enclosed, which we have all read, I believe, with equal satisfaction. One side, I am persuaded, at Plymouth will appreciate their representative, if the other don't. I quite accord with Roundell in loving those, whoever they may be, that love in sincerity and diligently seek the truth, without being too confident that they have already found it. But I wish it were possible to ignore all party;—though it appears there are some few, more or less in number, who will not suffer us to do it.

It was while these things were going on at Plymouth, that the Bishop of London, Dr. Blomfield, for whom I had a high respect and personal regard, but who partook of the prevailing excitement as to the Papal Aggression, did Mr. Page Wood (then member for the city of Oxford) and myself the honour of consulting us as to the legislation which he thought called for by that occasion. I am not sure whether I ever differed from Page Wood on any other subject, until the question of the Irish Church arose in 1868-69: but on this subject we did differ. He thought some legislation necessary and proper; I did not. We had no great difficulty in agreeing as to the sort of measure which might be best, if there were to be any measure at all: but

not agreeing on the main point, each of us sent his own answer to the Bishop.

My answer, dated the 5th December 1850, was this :—

I should not discharge my duty faithfully to your Lordship, or satisfy my own sense of responsibility on this occasion, if I did not frankly state to you that my own judgment—the best I am able to form—is adverse to any legislation of this kind. . . . No man can be more opposed than I am to the corrupt doctrines and un-Catholic usurpations of the Church of Rome. But I think the way of resisting the encroachments of that Church is by strengthening the hands of the Church of England, restoring her synodical organisation, multiplying her bishops, and giving greater flexibility to her services and institutions, and not by the enactment or extension of penal laws against the Roman Catholics.

The longer I have lived, the more attached I have become to the principle of religious liberty, and the more distinctly I have learnt to see the interest which every man who is in earnest about his own religion has in the maintenance of that principle. I know that the Roman Catholic religion has always, when in ascendency, been of an intolerant spirit, and I believe that it would be so still, if its days of ascendency could be renewed. But I have sufficient faith in the power of truth, and in the truth of our own religion, to believe that we can afford to be tolerant even towards those who would not tolerate us; and I think it is sound and right policy for a Christian State to be tolerant towards every form of religious belief which (not inculcating disloyalty or immorality) is seriously professed by numbers of its subjects. Making this my rule, and believing it to be (on the whole) the rule most conducive to the interests of truth, I see no good reason for making the Roman Catholic religion an exception to it. But, if I am to tolerate the Roman Catholic religion at all, I confess I do not see how I can refuse toleration to its principal tenet—viz. the ecclesiastical supremacy of the Pope; and, if I tolerate this tenet, I cannot consistently prohibit its legitimate and unavoidable consequence, in the nomination of Roman Catholic ecclesiastics by the Pope, to exercise in this country such

spiritual authority as may exist in a voluntary Episcopal Church, whose institutions are not incorporated into the law of the land.

As far as the supremacy of the Crown, and the question of interference with that supremacy by a foreign potentate, are concerned, I can see no distinction whatever between the old Vicars-Apostolic of the London district and the new Archbishop of Westminster. The former claimed, as much as the latter, by virtue of the act and assumed authority of a foreign potentate, a spiritual jurisdiction over certain of the Queen's subjects, within local limits in England defined by that foreign potentate, and within which local limits bishops of the Church of England have exclusive legal jurisdiction. The latter does not, any more than the former, claim any jurisdiction of a temporal or secular kind. If we are to act with real sincerity and consistency upon the principle of excluding a foreign authority, we cannot stop short of prohibiting Episcopacy altogether among the English and Irish Roman Catholics; or, in other words, we must return to the system of the repealed penal laws, and proscribe the Roman Catholic religion. If we are not in earnest about it, and do not mean to be consistent, I do not see the use of legislating in this spirit at all. If so, the question appears to me to become one of names more than things. Mr. Page Wood thinks (and I do not, in this, differ from him) that names may be of importance; and I cannot deny that, if any practical good is expected to be gained or any practical evil to be avoided, the State may be justified in legislating about a question of names. In the present instance, if I thought the pompous and arrogant language of Dr. Wiseman and the Pope had any seditious tendency, or was calculated to corrupt the minds of simple and ignorant men upon any point having reference to their duty to the civil magistrate, I might feel no difficulty in regarding it as a proper case for legislation. But the arguments about "territorial" assumption seem to me unmeaning and unreal. I cannot satisfy myself that the act done, or even the language used, is for any political or ecclesiastical purpose substantially different from what it would have been if the words "Roman Catholic" had been prefixed to the title "Archbishop of Westminster." The act done is neither more nor less than the organisation of a regular Roman Catholic hierarchy in England;

and the language used expresses this (neither more nor less than this) to the practical apprehension of mankind. Under these circumstances, I think it unnecessary, unprofitable, and at variance with an intelligent adherence to the principles of civil and religious liberty, to enter upon a legislative crusade against the mere phraseology by which a particular voluntary Church naturally, according to its own religious ideas, designates its own Episcopacy. I cannot forget that the Roman Catholic Church claims to be universal and exclusive; and that, in tolerating that Church, I must tolerate (among other errors from which my own mind revolts) these arrogant pretensions.

Further,—I must frankly own that it would be unsatisfactory to me to act on a ground which (whatever use may be made of it in argument) I am sure does not constitute the real reason why action is demanded from me. The public are manifestly going on the much broader ground of Protestantism against Popery. They do not think of vindicating the titles of our own Bishops to their sees against foreign intruders; they are simply afraid of the progress of Popery, and wish for the aid of penal enactments to restrain it. In their opposition to Popery I sympathise with them; and I would resolutely oppose every legislative measure which, in my judgment, had any tendency to *encourage* Popery: but I have no belief in the efficacy of penal enactments against words or names, as checks upon the progress of religious error. If such legislation is, in any degree, to answer the end which the public at this moment desires, we must go much further than this. A law, like that of which I enclose a draft, must be a mere dead letter (as it has been in Ireland since 1829) unless you are prepared to enforce it by measures which would be generally felt to amount to persecution; and then the recoil would not be long in coming, and would be very dangerous, when it did come, to the Established Church. Indeed, I do not hesitate to say that I think the proceedings which have already taken place in many quarters are far more dangerous to the Established Church than discouraging to Romanism. Not to speak of the demand for a persecution *within* the Church of England, of which no man could foretell the extent or the issue if it were once to begin,—nor to dwell on the occasions taken to revile our own Episcopacy, by way of giving point to a protest

against Romish aggression,—I think the high and unmeasured language held at these meetings about the royal supremacy (as if the Sovereign were, by an inherent right, endued with despotic power over the religion and religious institutions of all or some part of her subjects) tends directly to a ministerial and Parliamentary tyranny over our Church in spiritual matters, and must operate as a great impediment to every endeavour of her attached children to maintain her authority and renovate her powers, as a living Church having her mission from Christ; and, should this be so, Rome must assuredly reap the advantage. At all events, I cannot expect that our Church will be strengthened in the affections of any class of religious men by a movement in which her ministers are seen taking part on the same platforms with Jews, Unitarians, Dissenters of every persuasion, and such examples of "the laity" as some whom I forbear to name.

The "Ecclesiastical Titles Bill," as it was first introduced by Lord John Russell, would have included the Scottish Episcopal in the same prohibitions with the Roman Catholic Church; but, in that respect, it was modified while passing through the House of Commons. I spoke against it on the second reading, on the 14th March 1851, using (with some amplification) arguments like those contained in my letter to Bishop Blomfield; and I voted in the minority of (I think) about ninety, consisting chiefly of Peelites and Irish Roman Catholics, who supported the motion of Lord Arundel for its rejection. This was the first great debate in which I had addressed the House, and I spoke with more freedom and confidence than usual, and with better effect. My speech was commended by some of the leading men who followed me on the same side, particularly by Sir James Graham; and Sir John Shaw-Lefevre, the Speaker's brother (who, though not a member of the House, had

great knowledge of public affairs), told me that I had achieved one of those successes, for which important debates on questions of principle sometimes give opportunity to men not in the front rank of politics. I had the honour of being included, together with some who *were* in the front rank of politics, in a vote of thanks from a large assembly of Roman Catholics at Dublin. The Act was passed; its impotence and failure verified to the full the arguments which had been used against it; and some years afterwards it was repealed without a dissentient voice.

I published the speech which I made on that occasion for the benefit of my constituents at Plymouth, many of whom disapproved of the line which I had taken. My polemical opponents there did not fail to improve their opportunity; and Dr. Yonge and other friends, whose confidence I retained, warned me that if a general election were soon to occur my seat would be in danger. This was no surprise to me; it was part of the cost which I had counted, though I felt sure that I could fully justify what I had done, even to the most Protestant Plymouth audience. Among those who were most offended was Mr. Hatchard, who, in a letter which (with my reply) was published in the local papers, gave me notice that I must no longer count upon his support. I answered him with proper expressions of respect and regret; vindicating, however, the course which I had taken, both as right in itself, and as consistent with those declarations of my principles and my intended line of conduct, on the faith of which I had been elected in 1847.

CHAPTER XXXVI

MY SISTERS

Of my sisters I have not hitherto said much. It is time that I should speak of them; for in all that went on at Mixbury and Finmere they took an important part.

My two elder sisters, Mary and Eleanor, belonged to my own division (if I may so call it) of the family. Mary was five years younger than myself, Eleanor seven. The three younger—Emma, Dorothea, and Emily—were all younger than my brothers Horsley and Edwin, and belonging to their division of the family. I was very much attached to them all. I read with them often, and interested myself much in their intellectual pursuits. Mary was of a retiring, sensitive disposition, but firm in her resolutions, when taken under any idea of duty. Eleanor had greater natural talents, more turn for society, and a larger share of ambition. They devoted themselves to teaching in the schools, knowing intimately the poor, helping in all village festivals, and especially delighting in entertainments for the children. Over the elder village girls, as they grew up, they watched

affectionately, exercising among them a constant and salutary influence.

Cyril William Wood, son of a clergyman very well known in his day as Vicar of Fulham and Prebendary of Canterbury, was from 1846 till 1851 my Father's resident curate at Finmere. He had been ordained later than usual, having first spent some time, with a view to become a settler, in Canada; and he brought home with him much of the independent spirit and dislike of conventionalities, which life in the back-woods may be likely to generate. At Finmere, having my Father's full confidence (for he was a man of ability, zealous and indefatigable, and of sterling worth), his characteristic qualities had plenty of room for development.

Early in 1851 he married my sister Eleanor, and she went out with him to Ceylon, where he was Principal of St. Thomas's College, Colombo, under Bishop Chapman. While there, they worked energetically, and with good promise of establishing a lasting influence; but the work in that climate proved too much for the health of both, and they were obliged to return to England.

It was partly, I think, by following some of Cyril Wood's anti-conventional ideas, and still more upon the principle of recommending, by her own practice and example, the advice which she gave to the village girls about her, that my eldest sister Mary adopted, habitually, an extreme degree of simplicity in her dress; but it was impossible for any one to misinterpret the principle on which she acted, or not

to esteem her for it. She died in the autumn of 1859, within a month of the birth of my son. Eleanor lived till Christmas 1873.

To Eleanor aged Fifteen

Oxford, 26*th October* 1835.

Before I finish this letter, dearest Eleanor, I will mention something which I think is well worth your consideration. The occasion of an absence from home, such as this of yours has been, is the best possible opportunity for making good and strong resolutions for the future. It is full time to train your mind into those courses of thought and action which are necessary to make a woman loved and respected. An absence from home is the best opportunity for beginning this, because those who are growing up in one place from childhood are habitually treated as children. But you may be sure of this, that when you let those about you see that you are no longer a child, then, and not till then, you will begin to be treated as a woman. The change must begin with yourself. Now the only way to show that you are not childish, is by quietness of manners, respect and attention to your superiors, ready and cheerful acknowledgment and performance of your duties to them, and an increasing *thoughtfulness* about all you do. Perhaps you will say that you are very desirous to do so, and have sometimes tried; but that you do not know how. It is certainly very difficult; and I only know one way which is sure to succeed, which is sincere and earnest prayer to God for His assistance, with humble acknowledgment that you are totally unable to do good without Him, yet with an undoubting trust that He will enable you. Forms of prayer are very valuable, and very necessary; but it will never do to depend upon them *alone.* Both your confessions and your requests ought to be more particular and more peculiar to your own case, than it is possible for any form to express in words. I write these things, my dear Eleanor, because I think we are both old enough and

sensible enough to have something more to say to each other than we might say to mere common acquaintances.

Pray give all my love, and believe me, ever your affectionate brother, ROUNDELL PALMER.

Of my three younger sisters it is difficult for me to write without seeming to exaggerate. The good works, in which they were continually occupied, were of the same sort as those in which Mary and Eleanor had led the way; and nothing could exceed their devotion to their parents, and their mutual love. If ever young women led an angelic life on earth, and had on their characters the stamp of Heaven, it was so with them. In this they were alike; but in their natural dispositions there was a good deal of variety. Emma was wise, gentle, and tender; Dorothea buoyant, and full of life and joy. Of Dorothea's last days I shall, before long, speak. Emma lived till 1874; Emily still lives, and was, until her health failed, the head of St. Cyprian's Sisterhood in the north-west of London, which she entered after our Mother's death.

To EMILY PALMER

MIXBURY, *22nd April.*

What a shocking correspondent I am! I know you will forgive me nevertheless, and even write to tell me so. I am sure I heard some squeakers in your pigeon-house a fortnight ago, but Isaac said he looked into all the holes and only saw one old one on its nest. A pair still haunt the open shed by the greenhouse; I do not know if they are preparing to have any more young ones in the iron-boiler as before. Your poney is very well, but frisky for want of work. The weather is so cold,

we begin to fear that not even Aunt Mary's garden will find us flowers for May Day. Poor children, what will they do for a garland?—I remain, dearest Emily, your ever most affectionate

W. J. PALMER.

TO EMILY PALMER FROM HER FATHER ON HER FIFTEENTH BIRTHDAY

Many thanks to my dearest Emily for her acknowledgment of the scrawl I wrote her from Ilfracombe. This will be received in a great basket full of little things for a birthday memorial, and you will consider it as containing my blessing as belonging to the next day especially, but also indeed to every day of the year, and of every year to come. I pray God to have you in His keeping; to preserve you through your life in the purity and innocence of a child, with the addition of Faith and Love and every good thing that may adorn the woman, making her as she comes to full age a help and joy to others—her brothers and sisters—and all of them to her—that she and they together may profitably pass through this life, and together inherit the Crown of Glory by God's mercy through our Lord and Saviour Jesus Christ for ever! Be humble, lowly-minded, contented with a little; watch and pray; and the blessing of God be with you. Amen.—Ever yours, dearest Emily, faithfully and affectionately,

W. J. P.

My anticipations of mutual affection and concord between the two families, brought together by my marriage, were fully realised. The cordiality, which began at that time, was never disturbed. Whatever differences there might be on some theological points, they were never felt as hindrances, either to friendly intercourse, or to esteem and regard. It was so even as to my brother William, whose opinions were the furthest removed from those of the Waldegrave family. And this, I think, was in no small measure

due to the sisters on both sides; who, in their zeal for goodness, and in the depth and practical character of their religion, were essentially like-minded, and appreciative of each other's virtues, — though, of course, the main link was my wife herself, who loved my brothers and sisters dearly, as I loved hers.

My wife had three brothers. The eldest, Lord Chewton, an officer in the Guards, was of a handsome manly presence; in character and disposition cheerful, affectionate, generous. Of his services in India, and his previous adventures by sea and land, I shall have a more fitting opportunity to speak elsewhere. He was a little less than four years my junior, and had seen more of the world than most men of his age. Of the next brother, Samuel, I have often spoken, and shall speak again. Between him and George, the youngest (who in 1848 was a clerk and under-librarian in the House of Commons, and soon afterwards secretary to the Speaker, his uncle, Mr. Shaw-Lefevre), there was an interval of eight years.

Laura's sisters were Elizabeth (born in 1819), Maria, and Mary. Elizabeth, the eldest living, was much looked up to and depended upon, as well as loved, by all the family. "The light of every one's countenance," one of them called her, at a time of deep sorrow, in 1854. She was high spirited, and of a sanguine temperament, but had attained early to a great equability of character. The trials of her mother's long illness, and of the desolate time after her death, had fallen upon her with especial weight. Neither she nor her sisters regarded their father's

second marriage with that discontent which is often felt under such circumstances by grown-up daughters, to whom their own mother's memory is very dear. They knew it was much for their father's comfort; and to themselves it was a relief from anxiety on his account. They gained also a kind stepmother, who desired to do her duty by them; and they behaved dutifully and filially towards her. Elizabeth was very well read, and had unaffected natural manners. She was most unselfish, never sparing herself trouble for other people's sake; always open and straightforward, and always gentle; a fast friend; and so full of practical good sense and high principle, as to make her opinion always valuable, and her judgment generally sound. She would have made a perfect matron, if she had married; or, if she had lived single to old age, a perfect maiden aunt. But it pleased God to take her from us, by a sudden attack of fever, in 1867, while she seemed in the fulness of health and strength.

The third daughter, Maria, had in 1844 married the Rev. William Brodie (second son of Sir Benjamin, the first baronet). She and the youngest sister, Mary, are still living. I will therefore only say that my own and my wife's happiness owed much to their constant affection. Mary, at the very time when she was first entering into society, failed in health; and she never recovered strength, and remains to this day a confirmed invalid. This, however, has not prevented her from sharing all the interests of those she loved, and ministering, in many ways, to their and

other people's good. She has borne her cross, from the beginning, with singular cheerfulness and brightness; reminding me not a little, as often as I see her, of her mother's patience and faith.

My sister Dorothea, the fairest, and the youngest but one of the Mixbury family, was twenty-three years old in 1851. With bright spirits, and strong affections, she had a tenderness of conscience, and a depth and spirituality of character, unusual at her years. To say that she was a more special object of my Father's love than his other children would do him wrong, for his love was without partiality; but she had, as she deserved, her full share of it; and none of them looked up to him for direction and guidance more dutifully than she.

In the spring of 1851, Dorothea's health began to fail; and towards the end of June she came to stay with us, for the convenience of being visited by Dr. Latham. Throughout the next month she was in a very critical condition, and her recovery was not expected. But her illness, and the anticipation of an early death, brought out only more vividly her growth in the higher life, and the "taste"[1] which she already had of "the good word of God, and the powers of the world to come." My Father was himself out of health, and seldom strong enough to travel from Mixbury; but my Mother and my sister Emma were with us, and we took all the care of her that we could.

My Father wrote to her, on the 3rd of July:—

[1] Hebrews vi. 5.

MY OWN DEAREST CHILD—May God bless and preserve you always and for ever, for His mercy's sake, and reward you for the example you set us of a kind, cheerful, humble, and submissive temper in the day of visitation,—depending, as I know it does, on your sense of His mercy through Christ our Lord. Surely, this is the gift of His Spirit, comforting and sustaining us, and the greatest blessing we are capable of on earth,—whispering to us, "Thou art about my path, and about my bed." It is His pleasure also, that I am unable at this present time to be with you. Pray for you, I can and do,—pray for the continuance of His comfort and support. As for that which is to come, we know that all things are in His hand, and that what He wills He can; and that He is ever good and gracious and most wise; and therefore we have also learned to say, as was said for us, "Thy will, not mine, be done." If it please God to restore us, let it be that we may live to His glory, by serving Him faithfully, and doing good. If otherwise, it is our comfort to know that we are His, and in His hands, Who died for us. What I cannot do, your brother shall do for you and me,—pray by your bedside. You are not to suppose, however, that I am very ill; certainly I am not; but I have had a cold for the last fortnight that obliges me to keep the house. But there is nothing at all unpleasant in it, I assure you; and you are to believe what I say in this, as you have done, like a good child, in everything else; for I speak the truth. The only thing that is against me is, that I am seventy-three years of age; but why should that be thought against me, with the children that I have about me, with their dear mother too? Besides, we know not what there is in store for either of us.

She answered this letter by my Mother's hand:—

MY DEAREST PAPA—Your letters are great treasures to me. I love you, dear Papa, as much as you love me. I thank you very much for your encouragements, for your prayers, and for your blessing. My lot abounds with blessings. No doubt, it would be a great pleasure to me to see you; but it is a still greater pleasure to go without seeing you, as that pleases God; and I entreat you not to think of coming up to look at me: do

take care of yourself. As regards the present, I can only repeat that I have no want nor wish; I have everything I need, and more too. Everybody increases in kindness and care. And now, one look at the future. I give up my own will; I wish and pray that God's will only may be done. If I get well, I hope and intend, by His grace, more faithfully to devote myself to His service. If otherwise, I do not shrink from either death or illness,—on the contrary, the first would be joy; the last I would esteem a great favour and blessing. And this, as you say, I can do, trusting in God's mercy through Christ our Lord. And now, Papa, be satisfied that I am quite happy. For all the blessings that I have ever received and do now receive, through whose hands soever they come, I thank God; and for your share in the good I have ever had at your hands, I thank you, my own dear Papa.

On the 5th, feeling better, she said:—

If I do get better and go home again—oh! how great a happiness it will be to be among you all again, and with dear Papa, and see the flowers and the trees, and the dear children, and the people at Mixbury and Finmere! I can feel that it would be delightful, even if I should not be quite well. I know it is pleasant to live; I should be sorry to go away from you all. I am sure this world is full of happiness and the means of blessings, if we do but courageously and heartily give up ourselves to wish for nothing but pleasing God; all happiness—nothing but happiness. But if I am not to get better, I can put away the thought of earthly things; and oh, what delight, what happiness!—the most to be thought of! What a happy lot mine is! How full of blessings! Blessings, if I should get well;—what a bond it would make for us all, to be more earnest in doing our duty and serving God better, and to be more loving to one another!

On the same 5th of July she dictated a letter to Emily:—

Whatever may be, let us each devote ourselves more *only* to

our duty. To-day is the fifth of the month. Do you remember, one night that I slept with you, my calling your attention to a verse in to-day's Psalms: "Them that are meek shall he guide in judgment, and such as are gentle, them shall he learn his way"?[1] I now remind you of it, and entreat you to remember it practically, day by day. Also I send you, of my "secrets for happiness":—

"Devote yourself only to God.

"Devote yourself to do God's will, to serve Him; and this only in His way, not in your own way.

"Pray, 'Thy will be done,' etc. Think then, and wish that God will incline you, teach, and strengthen you to the above.

"Be not obstinate; be humble.

"For encouragement, remember 'I will inform thee,' etc.[2] And then pay especial attention to 'Be ye not like to horse and mule,' etc., to the end.[2]

"Ask of God for everything you want. Fret about nothing: and put your implicit trust in Him, to take care of you and give you everything needful. Have no other care."

I love you dearly, I do. I will pray for you.—Your very own fond and loving sister, DOROTHEA PALMER.

To William (at Athens) she dictated a letter on the 9th of July:—

Probably you and I shall never see one another again in this world; but even now we cannot say that such will be the case, though I am certainly, without doubt, very ill. I do not myself expect to recover. I do not wish to do so; because, as in earnest I have tried, though weakly and failingly, to please God, and as it is my honest purpose, if He should restore me to health, by His grace to serve Him more devotedly, I humbly trust that, if He now takes me away, He will, for our Lord Jesus Christ's sake, forgive me, and take me Home. In the midst of my sickness, my blessings have been and are innumerable. Everybody is everything to me, and I want nothing. . . . Many prayers are

[1] Psalm xxv. 8. [2] Psalm xxxii. 9, 10.

offered for me, at home and elsewhere; but I desire none other than that God's will be done. . . .

And now, dear William, if in anything you have offended or vexed me, I most heartily forgive you; and I believe you do me the same, as fully as if you could tell me so. For any advice and help in doing my duty, which you have at any time given me, I thank God, and I thank you. You have many times said little words to me, and we have had pleasant walks together. You spoke to me one day of contentment, just in the place where God has put us. Another day you taught me to make a companion of the Psalms. Liking to speak to you confidentially, and knowing your interest in and love for me, I will tell you something. At my Confirmation I was intensely happy; but either then, or soon after, I think I can remember shrinking (though perhaps without knowing why) from my future life, as if there were much trial in store for me. That this should be so was no matter of wonder; for my childhood had been spiritually idle, and passed much without God. One night (in October, I think) in my sleep I saw in the sky plainly a cross, and over it a crown. I called you to look at it. This dwelt much in my memory, and impressed me strongly. I cannot doubt that it was no illusion, but sent on purpose. Between that time and the present, one way or another, it is true, trial has been given to me; but I know the blessedness of it. And at times I have had most bright spots, which I look upon in no other light than as gleams and refreshments sent from God. On such occasions intense joy has been mine, and with it strength and will to go through everything, do anything, so I might become holy. You will see when I began this letter. I am finishing it on your birthday, 12th July; and I send in it, dear William, my most hearty wishes and prayers for your good and happiness, and that the way which you ought to take may be made clear to you.

To this letter I add William's answer, written immediately on receiving it:—

DEAR, DEAR DOROTHEA—I am so sorry to learn that your illness is much more than I had supposed—that is, the outside of my heart is very sorry; but in the inside of my heart and spirit

I give God thanks for all the happiness we have had together in our Father's house, which has been a Paradise upon earth; and pray Him that it may be a shadow and preparation of a better house and Paradise, where we shall be all united, and never more separated. And considering how soon all that we have here must change, and how much danger surrounds us, and what painful responsibility years must bring to us, I could be even willing to part with you now, if it were the will of God. We may still have many more walks together, even here, if it please Him; but if not, His will be done. Do not forget me, dear Dorothea, as I will not forget you. But let us both pray, for ourselves and one another, and say, "O our Saviour, who hast caused us to be baptized, and to be fed with Thy Body and Blood, save us now and evermore, and unite us to the company of Thine Elect in Thy Kingdom!"

God bless you, my most dear and affectionate sister, and believe me to be always your affectionate brother,

W. PALMER

My Father wrote to my Mother on the 8th of July:—

Give my thanks, my blessing, and my love to my dearest Dorothea for her answer to my letter, which I got this morning; and tell her it will be a consolation and a joy and a strong assurance of hope to me as long as I live. God was pleased to bless her with a tender heart and tender conscience from the first; and He will never forsake those who cling to Him nor cast them off.

Two days afterwards he wrote again:—

Surely I may say, and without presumption, that I have had abundant proof, at every stage and period of my life, and great experience, in my own person, of the efficacy of prayer, and the goodness of God. . . . Let us, then, still pray for what we desire; while we say with our dear Child herself, to our Heavenly Father, "Thy will, not mine, be done." You are always in my thoughts, dearest wife and mother, with the children that are about you.

On the 21st of July, after a consultation between Dr. Latham and Dr. Watson, more favourable hopes began to be entertained, and soon afterwards, my Father, to their mutual delight, was able to come to London and see her.

In August her strength was so much restored that by the middle of September she was thought convalescent; and, on the 13th September, she herself wrote to William:—

You will very likely have heard from some one of the others before now that it has pleased God to give me still some little time longer here, and that, by His mercy, I am really as well now as I was before I was taken ill. I do not doubt but that He will enable me to live for the rest of my life more to His honour and glory, if I am myself in earnest; and this is indeed my desire.

Dr. Latham's care, kindness, and attention deserves all our gratitude. Dr. Watson was just the same; only the one is an old friend, and the other a new one. I quite love Dr. Latham. He was like a father; and constantly, when he left me, he said, as he bade me good-bye, "God bless you."

Whenever we do go home, you may well imagine how intense will be my joy; and I must look upon it as a picture of a happier going home. Dear William, there is so much happiness for us even here; and what will there be hereafter?

In October she was well enough to return to Mixbury, and we were all sanguine as to her complete recovery; but it may be doubted whether she was so herself.

She felt herself able to take her place again at home; and she wrote to William (who was still abroad, and not likely soon to return), on the 16th of December, from Mixbury:—

We are very happy together at home, but do not forget those away. Though Emily takes the chief part (she is like the mainspring of a clock to the whole house, so that, if she fell sick, it would be difficult to express the damage to each individual), we all share in waiting on Papa, and in helping him according to our different powers.

Always fond of children, she enjoyed having our own little girls in the house during that Christmas time, when all the family, except William, were assembled together.

And so ended that year. To all of us there was blessing, both in her illness and in her restoration, for however short a time.

CHAPTER XXXVII

MY FATHER RESIGNS MIXBURY—HORSLEY SUCCEEDS HIM—DEATH OF MY SISTER DOROTHEA AND OF MY UNCLE HENRY ROUNDELL—HORSLEY'S MARRIAGE

1851–1852

My wife and I, with our children, spent our vacation in the autumn of 1851 chiefly at Malvern. This was the first time since our marriage that we made Malvern our autumnal headquarters. We drank in health from its waters and from the pure air of its hills,—hills of sharp mountainous outline, projected like an advance guard from Wales between the richly-wooded undulating plains of Herefordshire and the more level expanse of Worcestershire and the valley of the Severn; over all which the eye ranged at large from their summits or "beacons." I left my wife and children there while I made a visit to Plymouth, and then returned to take them home to London. It was on our way homewards that we witnessed, about half-way between Malvern and Worcester, a remarkable and very interesting natural spectacle, which I have not at any other time seen. It was the congregation,

high in the air, of a vast army of swallows (I should think millions) preparing for their annual migration. From every quarter of the heavens they were streaming in, in multitudinous detachments, to join the main body, just over our heads. The sky was blackened with them, as with a living cloud.

Throughout the year 1851, my Father was disabled from exertion by a bronchial affection, from which he was never afterwards free, and he came to the conclusion that he ought to resign Mixbury. He had built schoolhouses for both his parishes; and the restoration of Mixbury church, which had been for several years in progress, was now complete. This was done entirely under his personal direction, which was continued to the last, even when his strength seemed unequal to it. The artificers chiefly employed were Mixbury carpenters and masons. The old roof was decayed, and had to be replaced by one entirely new; a Norman arch, which divided the chancel from the body of the church, was enlarged, preserving the original style and ornament; all the pews, and a gallery which blocked up the lower arch at the west end, were removed with the consent of the parishioners, and open oak seats substituted. The accumulated plaster and whitewash of ages were taken off the walls. I cleared away with my own hands the plaster covering of the Norman arch above the entrance door within the church porch, which concealed mouldings, as old probably as the Conqueror's time, and richer than might have been expected in such a place. I also, when the work was finished, did for Mixbury



MIXBURY CHURCH FROM THE RECTORY PATH

church what I had done for Magdalen College; placing in the chancel windows, and in that of the tower at the west end, stained glass, designed and executed in effective colours by O'Connor, whose work of that kind I had admired at Kidderminster.

My Father had held Mixbury for nearly fifty years, when in November 1851 he wrote to Bishop Murray of Rochester, tendering his resignation. It was his wish that, if possible, Horsley (who was ordained priest on St. Thomas's Day, 1851) should succeed him. The living was of small value, only £105 a year, in lieu of tithe, with a glebe of about sixty acres; and Horsley was known to the Bishop as a friend of more than one of his sons. But the patronage of Mixbury was then in course of transfer to the See of Oxford; and the acceptance of the resignation, and all further arrangements, rested with Bishop Wilberforce, who entered very kindly, and with a just appreciation of my Father's good service, into our reasons for believing that Horsley's succession to him might be for the benefit of the people; and he accordingly presented him early in 1852, and my Father then removed to Finmere.

My Father was not less careful to provide for the efficient service of the church and performance of pastoral duties at Finmere; retaining that cure, and intending there to end his days. After Cyril Wood left, his place was not easy to fill; but in November 1851 my Father was fortunate enough to obtain the services of John William Burgon, fellow of Oriel, and afterwards Dean of Chichester; a learned man, over-

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flowing with the milk of human kindness, staunch in his attachment to the principles of the Church, and finding his way to the hearts of the poor perhaps all the more easily because of some kindly eccentricities of manner. He laboured at Finmere till 1853, not less assiduously than Cyril Wood had done. In both parishes, my sisters continued their accustomed care of the sick and children and young people; and my Aunt Mary was still, as she had been for twenty-seven years, like a mother to everybody.

To Edwin Palmer

Mixbury, 18*th November* 1851.

We were much pleased with Mr. Burgon on Sunday, his *homily* especially. I also flatter myself his conversational disposition and willingness to take up book and pen, when there has been conversation enough, will make him an acquisition to Aunt Mary. Of course we must set him at liberty for Christmas Day, and find a substitute. If Ffoulkes does not intend to join his family, he might not be indisposed to meet all his cousins of our family who are in England here, Roundell and Laura included; or Mr. Church might be induced to give us his company, having unavoidably missed the opportunity of meeting Roundell in October. Horsley, we hope, will be capable of the Priest's office at Christmas, otherwise we should have wanted two assistants — I fear my own usefulness is gone by. Let me know what your success is in this matter; if both fail, you may engage some fitting clerk who may be satisfied to receive two guineas and our entertainment. Roundell intends running down for the night, not being satisfied at the reports of the "elderly gentleman," who is only growing more elderly still! I had a letter from Mr. Coleridge enclosing the last from the Bishop, in which good mention is made of Eleanor Wood. . . .

MIXBURY, 22*nd March* 1852.

Parkins writes me word of the rapid increase of business, and that he (Parkins) grows rich; but he says a lawyer's profession should be no object of envy, for Roundell's life is very harassing, nevertheless he looks well. As soon as the Courts rise he goes down to Plymouth. I could wish he had a different constituency, or was altogether out for the next Parliament, for should differences continue in those we prefer to Lord John and his supporters, matters must lead from bad to worse. I fear Roundell and dear Laura's visit will extend only from the 8th to 12th. The weather being favourable, I am now about to take a sniff of fresh air; we had a fine day yesterday for our Confirmation—thirty-four here, and thirty-eight from Finmere were confirmed. The Bishop (whose energy and labours are indeed commendable) expressed himself well pleased. We are much concerned by your report of Schomberg Kerr, for your sake and that of common friends.—Yours ever, W. J. P.

We were more anxious that Christmas for my Father than for Dorothea, who continued till the latter part of January 1852 in the same state of apparent recovery, in which she had returned to Mixbury. Then she was taken ill again, and on the 27th of January she died.

Of the state of her mind during those last days my sisters Emily and Mary gave touching accounts. Emily's was this:—

The Saturday before her death (24th January) she told me that she did not think that she should get well. Then, after giving me some messages (amongst others, that she sent her love to everybody, and thanked everybody for their kindness to her), she told me that she had such awful indescribable feelings over her whole body as she had never had before; she felt sure, from them, that she should not recover. She then said, "Let this sink deep into your heart; you don't know how much I wish

now, that I had striven more earnestly in the moment of temptation." On Sunday morning she began to suffer more from weakness and exhaustion, and said to me, "It's very hard work; but 'Be thou faithful unto death, and I will give thee a crown of life.'" Then she began to repeat these lines,

> Though the way be dark and long,
> Think of them who now on high, etc.

Before I left the room Papa came in; he said that we did not know yet what might be, it might still be God's will to spare her to us, "My dear child, I can do nothing for you; but I leave you in His hands, *Our Father who is more your Father than I am.*"

She could not speak much after Saturday; all were in the room when she died, about 2 P.M. on Tuesday; my Father saying the Lord's Prayer and Blessing.

My eldest sister, Mary, wrote on the 6th of February to William:—

It is a most unspeakable happiness to think how she had been living for another world, in thought, word, and deed. Dear, dear William, how the loss of one makes us cling to the rest! and it seems as if I never loved any of my dear brothers and sisters so much before.

She seemed aware on the Saturday that she was going to leave us (though my Father supposed the feeling arose from a state of weakness, and nothing more), and begged me to make use of her in any way to the girls; and especially she sent particular messages to one who is likely to be confirmed soon. She told me how she connected herself with a girl (Anne Gaskins) of this place, who died a fortnight before her. This girl wished particularly to see her a few days before she died, and told her she was so glad she came, and how much she had thought about her when ill in the Infirmary. The day she died, dear Dorothea at night seemed plainly to see Anne Gaskins again; who smiled, and said, she had such happy things to tell her.

The day before her death, she seemed unconscious; but at intervals she distressed us by calling out, "Help me, help me, please help me!" And then she answered herself in the

sweetest tone (or rather echoed back her Saviour's voice to her, for our great comfort), "I'll help you, dear, I'll help you, dear!" You may easily believe how much we think, and love to think, of these things. . . . Good-bye, my dear William, may we ever be united in this world, and like our dear sister at last! And then we may thankfully either give up each other, or go ourselves at God's bidding, trusting through Christ to meet in happiness for ever. Oh! we will pray for ourselves, and for each other, that none may fall short of this!

Emily also wrote to William on the same day:—

DEAREST WILLIAM—I know that Mary has been writing to you a long letter, and so I will take care not to repeat the same things. You well know, I am sure, how great *our* loss is in our dear Do; but then one almost forgets that, when one thinks of her. To know that she is *safe, really safe, out of reach of all danger*, is such a happy thought.

> The gray-haired saint may fail at last,
> The surest guide a wanderer prove;
> Death only binds us fast
> To the bright shore of love.[1]

But then comes the painful thought, lest we should fail and come short ourselves. Dear William, you do and will, I am sure, pray for me; I do not forget you. My love for dear Do is so *very* great, and has been for a long time. I do so like to think of her, and that she perhaps is even now near me.

> When foes are strong, and trials keen,
> Think what if she be near?[2]

She was so much with me, and helped me so much. I told her everything, and so she did me. She told me the last Saturday that she did not think she should get better; and then she said, "If I don't get over this, tell dearest William that I don't forget him; and give him my tenderest love." She was so fond of you. After her spirit had fled, her face still wore the same peaceful happy expression, looking as if it was patiently waiting for a

[1] *Christian Year*—Eighth Sunday after Trinity.

[2] *Lyra Innocentium*, "Bereavement"—"Children's Troubles," No. 8.

call to rise again. She used often to say how these lines exactly spoke her own feelings,—

> Not slow, nor hurrying, but in faith
> Content to die or live.[1]

and again,

> Waiting their summons to the sky,
> Content to live, but not afraid to die.[2]

How many blessings we have to be thankful for! And surely to her (and doubtless to us too, if we use it rightly), being so soon called *Home* must be an unexpectedly great one. The burial service seemed to give me so *much* comfort, and yet more still; for it seems to stir up all one's longings after holiness. Laura has been so very kind to us all.

I joined the mourners on the 29th of January, not having understood the extent of the danger till all was over. As I met them, the feeling which was in all our minds rose to my lips in Wordsworth's couplet:[3]—

> Oh for a dirge! But why complain?
> Ask rather a triumphal strain.

On the 31st we laid her body in the grave, under the sycamore tree by the churchyard gate, close to the graves of my brother Tom and of our nurse Harriet Hawkins.

Emily kept a note of a conversation with my Father, during the interval between her death and burial, in which he looked at once backwards and forwards.

We have indeed (he said) reason to bless God. He has seen fit to take her from us: He is our Father: we trust all to

[1] *Christian Year*—St. Stephen's Day.
[2] *Ibid.*—All Saints' Day.
[3] Wordsworth—*Elegiac Stanzas*, 1824.

Him: He knows what is best for us: His holy will be done. That is what we ought to wish, and what I hope we did wish. May we all meet hereafter! But then, we must not faint nor flag now. Think what a blessing He gave us in her recovery in the summer, and ever since then; and even now, in taking her. . . . And, dear Emily, let us learn a lesson for ourselves; to live in love and unity with those now left to us. This end is to be gained by thinking of others, rather than of ourselves, and trying (without being officious) to be of all the use and comfort we can to those we live with. We should yield to the wishes of others in all things, except when their wishes are contrary to the law of God: in which case, we should gently, but firmly, keep to what we know to be right. . . . You are, I hope, a united family; you have reason to be so. Your brother William, it is true, has caused us all much, very much pain, in his alienation from our own Church. But then it is a great comfort to know how much he wishes to do what is right: we cannot doubt that for a moment, when we notice how he has given up all his prospects to carry out his own views, though, I fear, he is very much mistaken in them. . . . I know not, dear, what your future lot may be, but here (pointing to her Mother and himself) lies your present one, and I hope you will not find that without its joys. God our Father is merciful to us. He has indeed done all for us; let us join together to bless and praise His holy name for all His mercies.

William had written to Dorothea a letter, which she did not live to see; Emma answered it with characteristic humility.

MY DEAR, DEAREST BROTHER—Your letter, meant for our dear Do, which arrived the other day, was just such as she would have enjoyed. What a blessed thought it is, how much she may know now of the deep meanings of those holy words and things, of which even the wisest here know but a little,—or, if not yet, certainly will one day. Still, it was very melancholy to read words meant for her eyes. There is such a difference between Emily and me, in our strength of heart and faith I mean; for outwardly we both go on with our usual duties.

She seems to *feel* dear Do so near her: and I feel as if I was so far off from her, that I never could be near her, at least for a very long time; as if I might, *at last*, but not now. I think it must really be so. Dear Emily is so much more like Papa, and Eddy, and Do—but I am so unlike. There seems (to me) such a blank now, dearest William. The feeling comes on so much at night. But dear Emily is cheerful and happy, and only more steadfastly set to do her work, and is full of love to all. Dear William, I cannot help writing to you about myself; I often, now I am here,[1] long to open my heart to somebody. I know I should not feel such a sad sinking feeling as I do, if I were better, and had not been so blind and sleepy as I have been to things to which I should have been devoted and earnest. And a great part of my dread is lest I should not awake now, and really serve God. Do pray for me, oh! please do. . . . If I do try, I know I shall be able to please God. I do feel very happy sometimes, for a very short time; much happier than I used to do before dear Do died; so that I can then, for my own sake, thank God for having taken her. And I do thank Him; and do trust, in spite of all I feel, that He will take care of me in His great love, little as I deserve anything from Him; and will make me fit at last to die. It is wonderful how He makes any one fit. I use your little prayer night and morning, and love it more and more. . . . Think of me, and of all of us. One would care for nothing now, if we may but be all safe at last.

Bishop Wilberforce held a Confirmation at Mixbury in the same month; and after it, on the 14th of April, Emily wrote to William:—

It is indeed true that, now *she* is gone home, it seems to bring us nearer to it. The memory of her is so linked up with all that is good, and with all real happiness, that in some way, I cannot quite say how, one seems to be with her all day long; for all I do, and all I see, she has been so much mixed up with in past days, that she ever seems to be at my side. It makes me so happy, and some weeks back I had such happy dreams of her. I seemed to be with her, and I saw her, and she spoke

[1] She wrote from Finmere.

to me. . . . I suppose others have told you about the Bishop's visit here. I don't know what you think of him, but I must own he is to me like a real Bishop. I like his face so much; and his manner is so kind, so fatherly. But then it is not strange that I should feel so towards him, as he confirmed me. The Confirmation this year reminded me so much of my own, which I can never forget. It was a happy time to me, and is now to look back upon. Dear Do was such a help to me, at that time especially; since a little time before that, there has been such a mutual and uncommon sympathy and love and confidence between us. I have often said to her that it might be of a different kind, but that I did not think that a husband and wife could love each other more than we did. It is very pleasant to me to think of any words of love that passed between us now. She longed so for the Bishop's coming; for she felt towards him the same that I do, as he had confirmed her too. When he (the Bishop) went away, he said, "God bless you," to each of us. I value such words so much, especially from our Bishop. Dear Laura has given us each a ring of our Do's hair, with a small pearl in the middle.

On the 3rd of August, in that year, my brother Horsley married his cousin Elizabeth Horsley, for whom my Father had a strong affection, and with whom it gave him great satisfaction to see his son and successor at Mixbury thus united.

On the 14th November my third daughter, Sophia Matilda, was born—so named at my wife's wish, in memory of her father's aunt, Princess Sophia of Gloucester, who not only showed kindness to the Waldegrave family during her life, but left Lord Waldegrave all that she could at her death. My Father, when he sent us his congratulation on this new blessing, mentioned at the same time that my Uncle Henry Roundell was dangerously ill; it was supposed from disease of

the heart. He died early in December. He was a man of high spirit, firm principle, popular manners, and warm affections; no small share of which he bestowed upon my brothers and sisters and myself. He was a very good clergyman. Bishop Wilberforce wrote to his son: "I most highly esteemed him, as a sound and true-hearted Churchman, and as a true and kind friend to myself, in good report and evil." We desired that, if possible, his son (then curate of Buckingham, and worthy of such a father) might succeed him, as Horsley had succeeded my Father at Mixbury. The thought of a stranger at Fringford, which had been like a second home to us, and where we knew every field, every tree and flower, was more than we could well endure. This, however, was not to be; no opportunity was given even to the Bishop himself to say anything in my cousin's favour to the Chancellor (Lord St. Leonards), in whose gift the living was. He was going out of office immediately; and the Rev. H. J. de Salis, son-in-law to Mr. Henley (a member of Lord Derby's Cabinet and one of the representatives of Oxfordshire in Parliament), was presented without the loss of a day. To that appointment, so far as the personal qualities of Mr. de Salis were concerned, no objection could be made; and the virtues of Mr. Henley (public and private) gave him a just claim to the Chancellor's consideration.

CHAPTER XXXVIII

WILLIAM IN THE EAST—ULTIMATUM OF THE GREEK PATRIARCH

1851–1852

In March 1851 William left England for the purpose of prosecuting, at Athens and Constantinople, the questions to the solution of which his energies were devoted. He travelled as far as Malta with Cyril and Eleanor Wood, on their way to Ceylon. From Malta he went to Patras, and visited from thence the convent of Megaspelion in Achaia, the largest in Greece. Then he crossed the Isthmus, and went to Athens. The work in which he was engaged there (and which occupied him, except while at Constantinople or in Russia, till May 1852) was the enlargement, and translation into modern Greek, of certain dissertations on the history, doctrine, and practice of the Greek-Orthodox and Anglican Churches, the groundwork of which he had composed during his second visit to Russia in 1842; his object being to make the Anglican Church better known to Oriental Christians.

The state of his mind, at that time, was described in a letter of the 17th June 1851 to my Aunt Mary.

If wishing could change my mind, I should wish with my whole heart to think well of the Anglican Church. But in such things it is necessary to be honest, and also to be fearless of worldly consequences, however disagreeable; and to remember that the responsibility of each one of us is according to his personal opportunities, and not according to those of his neighbour. These are matters of which, as I am now, it is difficult for me to speak, and I speak with reluctance; because my opinions and my position are equivocal, and unsatisfactory to myself, and therefore still more so to any other person. I am ready to abandon the Anglican Church, and desirous of abandoning it, without any hope or prospect of returning to a more favourable opinion of it; while yet I neither see clearly how to join the Eastern Church (which my belief would justify me in doing), nor have such a belief of all Roman doctrine, or of the paramount right of Rome to teach (which amounts to the same thing), as would justify me in following the example of so many of my friends, and joining the Roman Communion. I am in such a state, that I can only say, that, having come to the point where I now am, I trust also, by God's help, in spite of my own weakness and sinfulness, to get beyond it; and, as the way and means to this, after trust in Him Who is the Giver of all enlightenment, I look mainly to a patient perseverance in attending to those theological questions which seem to stand in the way.

My Father had written to him, on the 2nd of June, suggesting that he was "one of those who are alienated from the Church at home, through inability to distinguish between it and the acts of some who are unworthy members of it, or to separate it, in idea and in its own nature, from its present relations to the State"; and that this disposed them "to join themselves to communities of Christians abroad, claim-

ing for themselves Orthodoxy and Catholicity, but in fact the originators and authors of division." And he put these questions to William's conscience:—"What is the present state of the various nations of the world? What has been their history? What that of particular states and establishments of the Church, and of the countries where it first prevailed? What the state of Churches now existing? Whence all these states and things? Yet the true Church, to which our Lord gave His promise, lives, and ever has, and shall live to the end of time,—wheat, mixed with tares."

William, answering that letter on the 25th of June, said:—

I make no doubt that you, and thousands of others, adhere to the Anglican Church, only for the sake of that which is good and divine in it; and so also, no doubt, do many Christians of all denominations, even among the sects, adhere each to their sect or Church; and to such, personally, no Church ever says anathema, nor calls upon any individual proselyte to say anathema. The causes of my estrangement from the Anglican Church are many, and too complicated to be easily stated in few words. Those acts and events to which you seem to allude, and which you ascribe to "some who are unworthy members of it," have (no doubt) had their influence, among other causes. However, I must fairly state, that what weighed *more* with me than all those acts or acquiescences or submissions which Anglo-Catholics of different shades may impute to an evil element in the Anglican Church, contrary to her true nature, is this—that I found gradually all those persons and parties and systems of opinion, which seemed to represent the contrary or good element within the Anglican Church, insufficient to support either me or themselves. It is not on account of the power of the "unworthy," but on account rather of the utter hopelessness and intrinsic helplessness of the better and more "worthy"

side. As for what is called the Movement, I leave that out of the question, because the more influential minds of its leaders have pronounced in favour of Rome; and Dr. Pusey is merely an individual, upon whom you would not wish me to rest as upon a support, any more than you would rest upon any individual yourself.

You say, "the true Church, to which our Lord gave His promise, lives and ever shall live to the end of the world—wheat mixed with tares." This we both believe; but, I fear, in very different senses. You seem to think that wheat and tares, among other senses, may represent true faith mixed with heresy; and that not only in individual minds, but in the public law, teaching, and discipline, of the Church at large. This is, in fact, to believe an invisible Church, and not a visible one; while I have come to think that, whatever proportion of evil men, and even public corruptions or failings, may be represented by the tares (for I do not deny this interpretation altogether), the Visible Church is secured by our Lord's Promise from all spot or stain of heresy in her public laws, and from all danger of either ceasing to teach publicly all things necessary to salvation, or teaching together with them anything destructive of salvation.

William went from Athens to Constantinople, where he arrived on the 22nd of July, and remained till the 26th; being the guest of the Russian Ambassador. On the 24th he called on the Patriarch of Constantinople, and presented to him, in the presence of two other Bishops, a "Memorial or Question" (so he described it); saying that "he hoped to be at Constantinople again in six weeks, or thereabouts, and then to receive from him such answer, written or verbal, as he might think proper to make." To this the Patriarch assented.

This Memorial was in the Greek language, and was to the following effect:—

Having failed to obtain from the Scottish or other British Bishops any disavowal of proselytes who renounce Orthodoxy, and join themselves in the name of heresy to the Anglican Communion; and finding myself besides, in common with many others, oppressed within the Anglican Communion by a majority of heterodox, careless, or weak members, who have either acquiesced in, or ineffectually objected to, the assumption of the Civil Government to decide all questions of doctrine and discipline, and (more particularly) have submitted to a recent decision of that Government, to the effect that the doctrine of the Regeneration of infants in Holy Baptism is an open question in the Anglican Church, on which any man may hold and teach either the affirmative or the negative, without incurring rejection from her Communion:

And believing from my heart the Catholic Faith, as defined by the Seven Œcumenical Councils, and as explained at the present day in the Full Catechism of the Orthodox Catholic Church, published a few years back at St. Petersburg in the Russian language, and in Greek at Odessa, I desire to be admitted to the Communion of the Orthodox Catholic Church.

But, seeing that there is a discrepancy between the Russian and the Greek Churches as to the manner of receiving proselytes who have been already baptized, and not wishing to be received only by one local or particular Church, whether Greek or Russian, in opposition to the doctrine and practice of another, I think it necessary to state distinctly how the case stands with me, in respect of my present baptism; and then to ask whether I can be received, either by the Russians, so as not to be in the eyes of the Greeks an unbaptized person, unlawfully (or, rather, sacrilegiously) admitted to Communion without baptism; or by the Greeks, so as not to be in the eyes of the Russians a baptized person who, having been regenerated already, instead of continuing to thank God for that grace, and seeking to have any other defects in his ecclesiastical state filled up, has profanely and improperly yielded, at the bidding of another particular Church, and contrary to the sense of the Russian Church and to his own conscience, to be rebaptized, as if he had never yet received the Gift of the New Birth.

The *rule* of the Anglican Church is to baptize by immersion,

unless it be certified that the child is too weak to bear it, in which case *affusion* is allowed. But the common practice is, not even to ask for any such certificate, but to baptize by affusion, or even by sprinkling. There is no express order in the Ritual that either the immersion or the affusion should be thrice repeated, once at the Name of each person of the Trinity; and, if it is ever so thrice repeated, this is merely by the private will of the officiating priest or deacon. I was myself baptized in the usual way, and could, if required, procure a certificate or extract from the register of the parish church to prove this. The priest who baptized me is still living, and baptizes by pouring or dashing a handful of water on to the face of the child once, and not thrice, moving the hand only, perhaps slightly, at the Name of each person of the Trinity.

Now, to say nothing of the omission of other important ceremonies, adjuncts of baptism, in the Anglican Ritual, I am well aware that there is a deep sense, both in that immersion which is implied in the very name itself of Baptism, and also in the trine repetition of the same immersion, once at the Name of each Person of the Blessed Trinity. I am aware that to dispense with either the one or the other of these things, without any real necessity, is contrary to the custom of the whole Catholic Church for many ages, so that Baptism, so administered, is irregularly and uncanonically administered; and any person so administering it (and knowing of what rebellion and disorder he is guilty) will be worthy of deposition or excommunication. And though Pope Gregory the Great (also called *Dialogos*) may have allowed the Spaniards to use baptism by one immersion—they using it in an orthodox sense, *not* to symbolise a heretical denial of the Trinity, but to oppose the heresy of the Arians, who drew a perverse argument for three Substances in the Three Persons of the Trinity from the three separate immersions of baptism—still I cannot see that either the Spaniards, or Pope Gregory without a Council, could lawfully introduce any departure from the custom and tradition of the Universal Church in such a matter. And, as regards myself, I regret that I should have been so improperly baptized; and, if it were possible, I should wish any defects or omissions in my baptism to be supplied; as, for instance, by a *conditional* rebaptism, if any ground for doubt

as to the essential validity of my present baptism could be discovered.

But I cannot seek for any such conditional rebaptism in virtue of any doubt in my own conscience; because I have learned that the whole Church teaches unanimously that immersion, and trine immersion, however important and significant, and necessary in the general and to the Church for the preservation of the full idea or type of baptism, are yet not in themselves, nor absolutely, necessary for the truth of the sacrament; that is, for the conferring of Regeneration in any particular case. In cases of necessity, all admit Clinic Baptism, and such baptism is not (like a baptism of mere wish, or of sand) repeated, if the person baptized recover. All admit, too, that not only in cases of such necessity, but also in cases of great public convenience, or to avoid great evils, the Church has used, and may still use, condescension, economy, or convenience in this matter. But neither for necessity, nor for economy, nor under any conceivable circumstances, can the Church make the man who has not been regenerated to have been regenerated, or the man who has been regenerated to have not been regenerated, any more than she can make that which is the Body of Christ, however improperly or sinfully consecrated, to be not His Body, or that which is not really consecrated to be His Body. Whatever power the Church may have in excusing or condemning, allowing or disallowing, the doing of that which is as yet undone and future, she can have no power whatever over questions of fact, after the thing has been done.

μόνου γὰρ αὐτοῦ χὠ Θεὸς στερίσκεται
ἀγένητα ποιεῖν ὅσσ' ἂν ᾖ πεπραγμένα.[1]

Again, whatever power she may have to allow or disallow, to repeat or not to repeat, such Sacraments as are capable of repetition, either properly (as the giving the Holy Communion), or *ex abundanti* without sacrilege (as Chrism, Absolution, Marriage, Orders), she has no such power with respect to Baptism and the Consecration of the Lord's Body; of which it has been ruled that, once done, they cannot be repeated.

[1] "Even God has no power to undo what has actually been done."—The lines are a fragment of the Attic Tragedian Agathon, preserved by Aristotle: *Eth. Nicomach.* lib. vi. cap. 2, § 3.

Thus, not only the consent of the whole ancient and the present Latin Church, but also (as far as I can understand it and make it consistent with itself) the practice and language of the present Greek Church, forbid me to doubt of my opinion, that immersion, and trine immersion, are not (strictly speaking) of the essence of the Sacrament of Baptism in every particular case. If they were, there could be no room for condescension or dispensation, even on the plea of necessity; still less for economy or connivance. The same is directly asserted by the doctrine and practice of the whole Russian Church: which tells me, that my present baptism is essentially valid, and receives such proselytes without any rebaptism: and it is no less clearly, though indirectly, assented to by the Greeks; when they, knowing perfectly well what the Russians do, nevertheless receive at once, and as a matter of course, every person whom the Russians have received; which they could not do without sacrilege, if the persons received by the Russians were really known to be unbaptized, or if the Russians had allowed a baptism, not merely defective in such important particulars as immersion or trine immersion, but essentially invalid: as, for instance, a baptism conferred with milk instead of water; or one administered by Unitarians with water, but in the Name of One Person only, and (perhaps) with one immersion, or affusion, used expressly to symbolise that heresy.

Notwithstanding this, the Greeks, in dealing with particular cases, follow now a practice contrary to that of the Russians; and say to the individual who has been baptized by one immersion, or by affusion, that he is simply unbaptized; though in case of necessity, or if he came in a body with many others, or if there were any other reason for economy, the Church *could* use condescension, and *consider him as baptized*, and admit him without rebaptism. They tell him, too, that either there is no difference between themselves and the Russians, or else, if there is, the Russians are wrong, and need correction; but that, even if this be so, it is impossible, or inconvenient, or unnecessary, to move and settle such a question for the sake of a particular case: that consequently he must judge for himself as well as he can, and enter the Eastern Communion in whichever way he prefers; either as unbaptized through the Greek door, or as baptized

through the Russian. If he desires to be received by the Greeks in the first instance, and directly, he must profess himself unbaptized; if he desires to be received by them as already baptized, he must come round to them in a circuitous and indirect way, after having been first received by the Russians.

This being the view taken of the matter by the Greeks, and they being unable to see anything inconsistent or unbecoming in such language, the question for the individual is, whether (1) he ought to listen to his Latin friends, who tell him that such a discrepancy, and such inability or unwillingness or carelessness about reconciling it, are sufficient reasons for him to stifle his personal opinions in favour of "Orthodoxy," and look rather to Rome; or (2) whether he will not (as allowed, and indeed invited to do, by the Greeks), merely on his own private judgment, and that of the particular Russian Church, dismissing the Greek opinion and practice as false and self-contradictory, and after having been received as already baptized by the Russians, return to the Greek hierarchy which had before refused him as unbaptized, and be received by them in virtue of his previous reception by the Russians. Or, lastly, if neither of these two courses seem desirable, there remains still one other. He may address the authorities of the Greek Church thus — "In baptizing or rebaptizing, there are necessarily two parties, the bishop or priest baptizing, and the person to be baptized. I myself should desire a conditional or supplementary rebaptism, if it could be had; though I could not come to it, professing to seek from God that which I believe myself to have already received, and for which I daily give Him thanks. The rebaptisms of the Greeks appear to me to be virtually conditional or supplementary, though they are unwilling to call them so. It is not for me to reconcile their inconsistencies of language or practice. So long as I can take what they do in a good sense, and am allowed by them to do so, I may leave them to their own responsibility for the rest."

I adopt, then, this third alternative; and ask the following question:—If I put myself into the hands of a Greek Bishop to be baptized, leaving him to put his own sense upon what he does, am I free to come to that act with such inward feelings as may be expressed in these words?—"O God, I thank Thee, now

as ever, for that grace of regeneration which I trust I received in my baptism. But since I have learned that that baptism was not administered in all respects rightly, and some Bishops and Churches seem to doubt, or deny even, its essential validity, I seek now from Thy mercy, for others the assurance of whatever may seem to them to be doubtful, and for myself the filling up of whatever was wanting."

Having delivered this document to the Patriarch, William left Constantinople for Odessa on the 26th of July. From Odessa he went to Kieff, Chernigoff, and Iviati-Gori, a country house of Madame Potemkin, on the banks of the river Donetz, in the government of Kharkoff. Then he went to the Crimea; breaking his journey at Bagtche-serai (the Tartar), and at Simpheropol (the Russian), capital of that peninsula. He went on to Prince Woronzoff's marine residence at Alupka, where the Prince was giving a great entertainment upon the occasion of his son's marriage. William was cordially welcomed; and there he met Innocent, Archbishop of Cherson and the Crimea; who entered with interest into his views, and said: "I fear you will find the Greek Bishops too narrow, and too Greek." On his return, he visited Balaclava, "a village-town situate on a lake-like inlet of the sea between rocks, with a very narrow mouth"; and saw Sebastopol, as it was before the Crimean war. The admiral-governor, who had kept a steamer waiting for him, took him to see the men-of-war and the docks, etc. There were then in the harbour three ships of 120 guns each, twelve of 84 guns, and seven frigates. The whole number of vessels comprising the fleet, small and great, was about a hundred.

His visit to the Crimea was a consequence of his missing the steamer by which he had intended to return to Constantinople, through an accident which befell him near Cherson. His carriage was run away with, and overturned, and he was thrown out upon his head, suffering severe contusions about the head and eyes, which for a time deprived him of sight; and narrowly escaping from serious danger. He made his way with difficulty to Nicolaieff, where he was for some days the guest of Admiral Korniloff. Having ten days to spare after convalescence, he employed them in the manner which I have described. He returned to Constantinople on the 24th of September; and there received an answer to his "Memorial," from the Patriarch of that See; in which another Patriarch (of Jerusalem) concurred.

On Sunday morning, 5th October, I was received by the Patriarch of Constantinople, in a lesser Synod; in which, after the usual coffee and pipes, and some informal conversation, and after transacting some other business, he adverted to my question concerning Baptism: — saying to the bishops and ecclesiastics who were sitting with him, and who were ten in number, that there was this question which needed to be answered. And then, addressing himself to me, he continued:— "There is no need of any long answer; we have, and know, but One Baptism. If the Russians do otherwise, we know it not, nor recognise it. We admit only One Baptism, and that without any addition, subtraction, or alteration" (alluding under this word, no doubt, to my question about conditionality) "whatever." I observed, that I understood, then, that it was unnecessary for me to wait longer at Constantinople, or to expect any further written answer? And, on the Patriarch replying that I understood rightly,—that there was no need of any further answer,— I thanked him for the answer so given, and took my leave. I

should have mentioned that, after giving me the answer, as above, the Patriarch turned himself to the right and left, to the Bishops seated nearest to him on the divan, and said: "That is the answer, is it not?" And they assented, either verbally, or by bowing towards him in return. Thus, then, so far as I personally am concerned, I have fully stated the difficulty to the authorities of the Greek Church, and have received my answer.[1]

His conclusion,[2] as stated in a letter to my Aunt Mary, dated the 13th of October 1851, after his return to Athens, was, that he had brought his relations and efforts, with regard to the Eastern Church, pretty well to a close; he was "sufficiently convinced that he could not practically join the Eastern Church without doing or saying something wrong or false."

"It is therefore" (he said) "probable that the Roman Church, which is so much larger, is right in condemning both the Anglican and the Eastern

[1] The following quotation from *A Diplomatic Study of the Crimean War* (materials said to be collected, 1863; printed in Russia, 1874; English translation, 1882), p. 451, is worth giving, utter fable as it is:—

"It was asserted that Sir S. Canning made active endeavours with the Patriarch of Constantinople to procure from him a declaration of heresy against the Russian Church. An English agent named Palmer, well versed in religious matters, had been sent to study the divergence existing in the dogmas, and to show that the Russian Church had departed from the lap of Greek Orthodoxy. Such a declaration would have had an immense moral effect, as much in the East as in Europe, and even in Russia many dissidents. The Patriarch seems to have refused with firmness."

[2] It was stated under some reserve (which continued till the end of the year) as to the possible effect of any reply which he might receive to a letter which he had been encouraged, when at Iviati-Gori, to address and send to the Emperor Nicholas. But no answer to that letter was received.

Churches; and, since I must sacrifice my private judgment in favour of one of the three, I will sacrifice it in favour of the strongest and most consistent and most probable claimant."

This, however, he could not at once do. The difficulty opposed to him by the Eastern Church was one of ritual and discipline; the presumption arising against her from the existence of such a difficulty was more than counterbalanced by his agreement with her against Rome on some doctrinal points. He anticipated from his friends at home the question: "What, then, do you mean to do under such circumstances?" and answered, that he proposed to wait, and to devote himself to the closer study of the questions of the Procession and of the Roman Supremacy.

He remained at Athens, finishing his printing, till the 7th of May 1852, and then returned to England. We were all glad enough that his overtures to the Greek Church (yielding, as we thought, far too much) ended as they did; and, although we could not shut our eyes to the probable result of his further studies, we were thankful for the respite, and that my Father would be spared the distress by which his last days must inevitably have been overclouded, if those studies had been then brought to a conclusion in favour of Rome. Correspondence between them on ecclesiastical subjects continued till January 1853; but the tone on both sides was happier than before.

My Father, writing on the 5th of September 1851, prayed that, if he really were to leave us, all blessings might accompany him; adding—

True it is, we stand, more and more daily, in need of your aid at home, and of the aid of every earnest and religious mind. I could have wished to stand with you and contend for the truth upon English ground. But, should you leave us, as others have, God is able, and I trust will raise up persons to defend the Church, even from among the very stocks and stones you may have left behind. I thank you, dear William, for those kind and affectionate expressions, which testify in you a religion of the heart; showing that you are quite sensible of an Invisible Unity among the humble and honest members of various Churches in the outward world; some of which may be under the ban of schism, and some guilty of faults scandalous enough to have occasioned it. It is well worth while humbly to consider, in their origin, those offences in the Christian world, which, being unrepented of, led first to the utter destruction and extinction of the African Churches, and afterward to the prostration, as at this day, of the whole East, and a state of things in the West threatening, if it have not already formed, an alliance with infidelity, so as to involve apostasy, and the further development, perhaps, of some great and portentous Antichrist, to be destroyed only by the brightness of our Lord's appearance, when He comes again.

On the 27th of October, when the conclusion of the matter at Constantinople was known, he wrote again:—

As for your future abode during my life, we shall rejoice in as much of your company as you can give us here, the question of Churches being untouched; and, with regard to the public confession of the common faith and the Holy Communion, I shall be ready and willing to admit you, without offence to others, so long as you consider yourself in a sufficient sense at one with us to desire it. But, you will readily perceive, I cannot accept your assistance in the offices of the Church; neither would you have any wish (I conceive) to offer it, unless it were for the purpose of relieving me. . . .

It was, evidently, with reference to what my

Father said in these letters, that William, on the 26th of December 1851, wrote—

I am inclined to view all religions and Churches and sects, which have ever separated from the original and Divine institution, as being, after they have once been constituted (for I do not speak of the heresiarchs who first introduce the error), so many *permissive dispensations*, in which that portion of truth which has been retained retains its living and quickening power, and may be the means of spiritual progress and happiness to all those souls which do not, by their own fault and will, identify themselves with the destructive and evil elements of the tradition or institution to which they are attached. In short, that so far as any people are well and religiously disposed, and not knowingly and wilfully maintaining any error, or joining in any (*i.e.* all persons who profess and call themselves Christians), they belong to the Church, though in different degrees, and are either in a state of salvation, or in the way to that state, either in the Church itself, or in the porch, or within sight of and on their way to the open porch, or (even if out of sight) still on the way, with their heads turned in that direction which will bring them within sight sooner or later. I also am inclined to think that, when once any such *permissive dispensation* has been suffered to come into existence, it is not, absolutely speaking, necessary for the salvation of individuals belonging to it, that they should either understand the defects of their tradition, or be moved to change;—on the contrary that, if they have the grace and the will to do well according to their state, there is no light responsibility in attempting to force upon them intellectual knowledge which may not be good for them. Where it pleases God, or where any teacher or preacher is sent by competent authority, the case is different; but, for the unsent and unauthorised individual, there cannot be a greater mistake than to suppose that mere knowledge of Divine or ecclesiastical truth is a good, to be sought for in the first instance for one's self, and obtruded upon others. . . .

He told my Father, in another letter, also written in that December, that "he had long seen that his

standing-ground was narrowing to a point; and that, when an individual comes in contact with a stone wall or a windmill, it is more likely that he shall be displaced, than that the wall or windmill should be moved by him."

Nothing could be more affectionate than his letters of 1852. My Father wrote to him, on the 15th of February in that year—

There seems some little misunderstanding between you and me on the subject of unity in the Church. You seem to me to make more of an external unity than belongs to it, good as it is,—so good, as not to be disturbed without great sin. I perhaps seem to you (although I confess you say you know I do not) either to claim, like the others, an exclusive right to the use of the term for my own section of the divided external Church, or else to consider it as a spirituality exclusive of externals. But neither of these is indeed my view; nor, perhaps, the other yours. I do indeed believe in the Holy Catholic Church, the unity of which is the work of the Spirit of God; and certainly its apparent divisions are not the work of His Spirit, though permitted for a time. But perhaps it is not required of us, as individuals, to sit in judgment upon the grounds of division, unless they be so forced upon us as to affect the charities of life, and our common and ordinary duties. If civil war be in a country, all, no doubt, must suffer; but those who are engaged generally suffer most. You are aware that, in talking about *the* Church and *particular Churches*, and even thinking about them, there is some danger, from the use of the term, of confounding the *one* with the *many*. The unity of the Church runs through all time. The existence and condition of particular local Churches does not. This ought not to be lost sight of, and may assist us to understand in what the unity of *the one* consists—namely, in the participation of the Spirit's gifts, which is our Communion, and in those doctrines which, though derived in succession, are not to be spoken of as "borrowed" or "retained" by one Church from another, but

which have confessedly been held and professed by all particular Churches from the beginning. The Church's authority is also as its unity: sufficient for its government and rule at all times; and it by no means follows that, in matters which are not properly subject to its rule, its rule should be taken to go further than the object, in the occasion and necessities of times. The Church is the Church still, in all countries and in all ages, αὐτοκράτωρ.[1] Men may at various times have added to its ancient doctrines, as the authors of the doctrine of Development seem to take credit to a particular Church for having done. This by way of *commission*, of which particular Churches may have been guilty. In like manner of *omissions*, as you suggest: and I admit, for argument's sake, that we have been guilty of both. But the Church is with us still.

The same letter ended with an expression of opinion, that we ought rather to endeavour to amend what might be amiss at home, than "in despair to relinquish our post";—adding these words: "Nevertheless, every man has to seek his own salvation first; and I hope I shall not love you the less if, *for the sake of that*, you give up everything else."

"This" (said William in reply) "is a great satisfaction to me; and I am sensible how much charity and long-suffering, as well as deep affection, is involved in your words."

. . . I have had too much experience of unforeseen changes of opinion and feeling, both in myself and in others, to feel confident what I may or may not come to think; but, unless some very great and unforeseen change should take place in me, I cannot conceive my ever finding *entire* satisfaction in any Church of those now on earth. All that I can hope and work for will be to fix my future position with more satisfaction to myself. I cannot imagine myself coming to regard with entire satisfaction the state of Christianity, in any of its existing

[1] Self-governing.

communions; whatever view I might take either of the present definition of the Catholic Church (in the stricter sense of the word), or of my own duty towards it. If I should find the claim of Papal supremacy sufficiently established, it would, I think, make submission a duty, so far as submission is required in order to communion. But, beyond that, I hope that I should never actively and personally profess, or do, or teach, anything which I thought in my own conscience doubtful or evil, merely because it seemed to be professed, or done, or taught by others, with the permission or approbation of the Pope. For this reason, unless some very great change of view took place in me, I suppose I should not think, if I were in communion with the Eastern or the Roman Catholic Church, of seeking to *teach* in those Churches, if it were understood or implied that I was to teach or recommend anything, of which my private judgment was unconvinced.

CHAPTER XXXIX

PUBLIC EVENTS OF 1852-53—CONTESTS AT PLYMOUTH

In the summer of 1850 Sir Robert Peel died. I had personally received some civilities from him; and I had examined his two elder sons at Harrow, which neither they nor I forgot. I had learnt to admire and respect him very much; and my further experience of public life since his death has only increased that respect. In versatility and brilliancy, he has been surpassed by other statesmen of this century; in measured and equable judgment, by none. He preferred the interest of his country to his party, as well as to himself; which not many others of our great men have done. And it was due, perhaps, to his training at the Home Office, that he understood and interested himself in all departments of administration, and attended to measures which did not appeal to popular sentiment or imagination, as well as to those which did. In this respect he excelled all his rivals, and all his successors. His death made the position of those who continued to acknowledge him as their leader, after the disruption of the Conservative party consequent upon the repeal of the

Corn Laws, very difficult; and when, at the beginning of the session of 1852, the Ministry of Lord John Russell fell (more by its own weakness than through any strength of opposition), and Lord Derby became Prime Minister, it was unavoidable that the "Peelites" (as they were called) should reconsider their relations, both to the party of which they had been formerly members, and to the Reformers or Liberals, whom they had formerly opposed.

The outgoing Ministry had some claims upon the gratitude of the legal profession, especially of Chancery lawyers. The removal of Wilde (Lord Truro), in 1850, from the Court of Common Pleas to the Woolsack, had been received with surprise, and could only be accounted for by his marriage with Miss d'Este, the Duke of Sussex's daughter. But Lord Truro, as Chancellor, took pains to do well, and was not unsuccessful; he was a very upright and honourable man, who in the earlier part of his professional career had suffered, with courage and patience, under an undeserved personal stigma; and he now made himself popular (with myself among others) by a degree of hospitality and affability, to which the Chancery Bar had not been much accustomed. In this he was seconded by his wife, whose manners were frank and agreeable, though she sometimes chose to remind her guests of that claim to royal rank, by the advocacy of which, as her brother's counsel, her husband—not well-favoured by nature—had gained her affections. Lord Truro did more than cultivate those arts of popularity. He relieved

the pressure upon the Court of Chancery, by passing in 1851 the Act for the appointment of two Lords Justices of Appeal; and he made the best possible selection of persons for those and other legal offices. The first Lords Justices were Sir James Knight Bruce and Lord Cranworth; and, in the same year, Sir George Turner, Sir James Parker, and Sir Richard Kindersley (as good and careful judges as ever sat in that Court), were appointed Vice-Chancellors; Sir John Romilly succeeded Lord Langdale as Master of the Rolls, and Sir William Page Wood was made Solicitor-General. Cockburn was Attorney-General; having earned his first promotion by his speech in the Pacifico debate. Lord St. Leonards, who succeeded Lord Truro as Chancellor in 1852, was a great Equity lawyer, and signalised his short tenure of the Great Seal by an important reform of the Lunacy Laws; but he was not popular.

There was much diversity of opinion among the Peelites, as to the attitude to be assumed by them towards Lord Derby's Ministry. A few, of whom Lord Mahon (afterwards Earl Stanhope) was the most considerable, became general supporters of that Government. The majority, desiring to maintain, for the present, a distinct position, included several who, like myself,—and also, as I have always supposed, Gladstone,—would have preferred to avoid a final breach with the Conservative party, and not to cross the House, or to go into declared opposition. There was no fear, in any quarter, of any attempt to restore Protection; and, as that was the only

question by which the Conservative party had been divided, tact and good management on the part of Sir Robert Peel's followers might have restored its unity, upon the same liberal basis on which Peel originally consolidated it.

I was determined, notwithstanding all that happened in 1850 and 1851, to offer myself for re-election at Plymouth. Parliament was to be dissolved in the summer, and the new Ministry, which could not command a majority in the existing House, carried on business, in the meantime, on sufferance. I had been at Plymouth early in January 1852, before the change of Government (and when no such change was anticipated), to deliver a lecture in the Mechanics' Institute on a subject of my own choice, "The Connection of Poetry with History." I took a good deal of pains with it, and it was well received by a large audience, including men of various political opinions. Such a reception, on a neutral occasion, had no political significance; but it encouraged me to believe that I had not ceased to be personally popular with my constituents. The change of Government created a new situation; and much might now depend upon the question, whether Lord Derby's Government would look upon the Peelites as enemies, or as independent men whom it might be possible, and worth while, to conciliate.

I was on the point of issuing an address to my constituents on the 24th of February 1852, when a conversation with Cardwell led me to think some delay advisable. On the next day I wrote him this letter :—

I am very glad I saw you yesterday; both because I think it is very well I did not send the address I had prepared to Plymouth, and because it gives me an excuse for troubling you, at some length, with my own ideas about the present situation of things. Pray give what I say a serious thought; as coming, not indeed from a practised politician, but from one of your most affectionate friends, to whom it would be comparatively no effort to give up any personal ambition of his own for the sake of what he thought right, but who could not, without a very great effort indeed, separate his line of conduct from yours.

It is clear that the present Ministry cannot last—that it is only provisional. I also think it so clear, as to be safely taken for granted, that the country requires no stimulus, in order to make it adhere, at the general election, to Sir Robert Peel's policy; and that, if the question is now settled *without* the application of a violent stimulus, it will be better settled than *with* one. These points are postulates, on which I found my view of the future.

If a Conservative-Liberal party, equally opposed to and independent of extremes on both sides, can be formed with sufficient strength to carry on the Government, on the basis of a fusion between the Peelites and the moderate Whigs, that would (I have no doubt) be the best thing for the country. But, to make this possible, it seems to me essential that the Peelites should preserve their Conservative character, and keep on as good terms as they can with the whole moderate section of the present Conservative party, in the House and in the country. A mere junction of the Peelites with the Whigs, for the purpose of opposition to a Protectionist Government, would be a very different thing. The combined party, coming into power upon the bond of a union so effected, would not be divided from Radicalism by any broader line than the late Ministry were, or more independent of it. All who now support Lord Derby would then hold together, and retaliate upon them; and would assume to themselves, and have conceded to them by the country, the exclusive representation of the Conservative principle. The tendency of the Radicals is towards mere democracy; and the times are not such as to make this an unimportant matter. I am satisfied that this tendency can only be kept in

check and defeated by those influences in the country which are properly Conservative, and which will always range themselves on the Conservative side. We shall deprive ourselves of all power to resist it effectually, if we break for ever with the Conservatism of the country; and we shall be abandoning for ever the whole moral power of that Conservatism to those whom we oppose, and paving the way for their return to office with all that power at their backs upon the first convenient opportunity, unless we choose (like the Whigs whenever they are hard pressed) to sacrifice our sense of public duty, for the sake of keeping the Radicals in good humour. The position would, I think, be a false one in every way.

On the other hand, the present is a most critical time; an experiment is being tried, which cannot but turn out in our favour, and the failure of which is the necessary preliminary to those natural adjustments, which (if we do not disturb them by any false step) are sure to follow. I am perfectly certain that a very large and increasing body of Conservatives, in Parliament and in the country, who will vote for Lord Derby's Government while it lasts, are nevertheless very favourably disposed towards such a modification of parties as I should myself wish to see. The leading influence over all this mass of moderate and rational Conservatism will revert to the Peelites immediately on Lord Derby's failure, if they do nothing in the meantime to reject or forfeit it. And, by cultivating this influence, we may secure a really Conservative basis upon terms as Liberal as we like, for a future Constitutional party and Government.

If this is so, what ought to be the intermediate policy of those who desire to see such a result? Would the effect of going into direct and decided opposition to the present temporary Government be to promote, or to obstruct, and perhaps render impossible, this result? If the latter, what sufficient countervailing motives can there be for such a course? Would a more conciliatory course involve any sacrifice of character, or of principle, or of our own true interests or those of the country? No one, of course, can advise or expect that the Peelites should flinch in the least degree from maintaining the policy of their great chief, and opposing all attempts of a Protectionist Ministry to reverse or undermine it. But which is best, under such

circumstances? To attack them, or to wait till they attack us? It is possible to do the same thing (so far as the defence of Free Trade is concerned) in two ways: in one, which would be recognised, even by the Protectionists, as no more than the firm and consistent discharge of an unavoidable duty; in another, which would exasperate and irritate, and leave wounds behind it, never to be healed. You may say the latter is the course which the Protectionists in general, and Disraeli in particular, took towards Sir Robert Peel; and that now is the time to avenge him. But, surely, we are not the men to sacrifice the permanent interests of the country to any indulgence of personal antipathies: the power of forbearance towards adversaries who do not deserve it is the chief advantage we have, in being a small body of men with heads upon our shoulders, instead of a numerous and unmanageable party.

What I wish is to deal prudently (with a view to the future) with such Conservatives in the House as Walpole, Seymer, Carew, etc. etc.; and with that very much larger section of Conservatives out of doors, who will now support (through party associations and habits) the present Government, as they probably would any other calling itself Conservative; but who do not in truth care about Protection, and who have long since made up their minds that it cannot be restored. If we do not offend and alienate these men now by our mode of dealing with the transitory Ministry which they support, they will be ours for ever, as soon as this Ministry falls to pieces; and they will bring with them all the real strength of the Conservatism of the country, without the illiberal tendencies which have been a drawback upon it hitherto. These are my thoughts—"*Si quid novisti rectius istis, Candidus imperti*,"[1] etc. etc.

This letter was shown by Cardwell to Gladstone, and also to the Duke of Newcastle, as he told me a day or two afterwards. Whether it was seen by any other leading men among the Peelites I do not know; but the policy which I advocated did not

[1] "If you know anything better than these ideas, candidly tell me." —Horace, *Epist.*, lib. i. ep. vi. (*ad finem*).

prevail. It might, perhaps, have prevailed, if Lord Derby alone had been concerned, though no confidence was felt in him; but Disraeli was his Chancellor of the Exchequer, and the resentment against Disraeli, for those envenomed attacks on Peel by which he had gained his position, knew no bounds. Each man, however, was at liberty, within certain limits, to act according to his own judgment; and my judgment was to maintain my own independence, while doing nothing to break off my connection with the party of which Sir James Graham, Sidney Herbert, and Gladstone were the leaders in the House of Commons; and to vote with Lord Derby's Government (as I had done with that which preceded it), except when I thought them wrong.

My address, soliciting re-election, was postponed for a fortnight, till the parliamentary situation was clear; it was issued on the 10th of March. In it I declared my principles to be unchanged. As to the new administration, I said that its policy remained to be developed, and that it would give me sincere pleasure to find that it was such as I could consistently support. As to the Church, I continued to be attached to it, and to its doctrines and principles, by the firmest and deepest convictions, and such influence as I might have, public or private, would be used to strengthen and increase its purity and efficiency, to allay factions and dissensions within its pale, and to repel the encroachment of Romish principles.

But these (I said) are objects, the pursuit of which, in my opinion, requires much caution, patience, moderation, and charity;

they cannot be accomplished by violence, by the denunciation of those who differ from us, or by any mere secular legislation. While I resist the spiritual aggression of Romanism, I desire to be impartially just and tolerant towards the Roman Catholics; and, looking upon them as a numerous and important body of tolerated dissenters, I do not think it consistent with that view of their position to refuse them the liberty of making ecclesiastical arrangements for themselves, or accepting them from the recognised authority of their Church, upon the voluntary system.

I cannot undertake to undo what has been already done, or to recall endowments granted for Romish purposes, to the maintenance of which the national good faith and honour may be considered in some degree pledged; but I dissent from the principle of such endowments; I should be very glad if they could be honourably and safely withdrawn; and I certainly shall never vote for their extension or increase.

The contest which followed was long and harassing; it cost me nearly twice as much money as either of my other elections at Plymouth, without any improper expenditure. It extended over four months; and I had to go down there, canvassing, at every interval which professional business and parliamentary duties allowed, except at Easter, when, for the first time, I was confined to my house in London by an attack of gout. My brother William, from the time when he was at Durham, had suffered constantly and severely from that disorder; me it only visited, after this first attack, occasionally, and with intervals of long duration.

For the first three months of that contest I was very sanguine of success; and, as late as the 19th of May, I pledged myself to go to the poll. I was opposed, in the first instance, by three candidates, all calling themselves Liberal,—Mr. Robert Porrett

Collier (afterwards Lord Monkswell), Mr. Bickham Escott, and Mr. G. T. Braine. Mr. Collier I did not regard as an opponent, unless in the unlikely contingency of either of the other two being preferred to him. He was a barrister and a scholar of ability and good reputation; accomplished as an artist, a native of Plymouth or its neighbourhood, and son of a gentleman well known and respected there, who had himself represented Plymouth in more than one Parliament after the Reform Act of 1832. Mr. Collier really sought to supply the place of Lord Ebrington, who did not offer himself for re-election; and his success was not doubtful. Mr. Bickham Escott was a clever man, who had been a Tory, and now professed Radical opinions; he was not a formidable competitor. Mr. Braine was the son of an usher at Westminster, with whom my Uncle Horsley became acquainted when his eldest son was at school there. The usher's son had promising abilities; my uncle took him up, and introduced him as a clerk to the house in Kings' Arms Yard, where he made himself useful, and in course of time, through my uncle's interest, found an opening in China, as partner in a firm with which the Kings' Arms Yard house was connected. There he made money, chiefly in the opium trade. He did not show gratitude to my uncle for the assistance which he had received from him, rather the reverse; and his personal character was not unblemished. He had not been long at home, when he came down to oppose me at Plymouth. In politics he professed to be a strong Liberal; but he relied not less on his position as a

merchant, supposed to be wealthy (I say supposed, for his affairs fell into confusion two or three years afterwards), than upon his politics. It was the weak point of Plymouth, that the hope of obtaining local advantages from this sort of connection told a good deal with a certain class of the electors. Nevertheless, if these three had been the only candidates, I think the hopes which my friends formed from the result of their canvass down to the 19th of May would not have been disappointed. I addressed, on the 26th of March and the 6th of April, very large public meetings, justifying my past conduct and the declarations of my address, both as to the Ecclesiastical Titles Act, and as to my refusal to vote for the repeal of the Maynooth grant; and the more firmly I stood to my colours, the better the impression made upon the electors seemed to be. Dr. Yonge, fearing danger from the hostility of those who imputed to me what they called Puseyism, would have liked me to make some public disclaimer on that point, but I thought I had said quite enough in the published correspondence of 1850-51; and I was not willing, even to make my election sure, to go further in that direction.

In April a fifth candidate, a Conservative and a supporter of Lord Derby's Ministry, appeared in the field—Mr. Charles John Mare, a shipbuilder at Millwall. His chance at first seemed small; and my friends thought he would not persevere when he found out what the state of things was. But just about that time I was accosted in one of the lobbies of the House of Commons by the Secretary to the

Admiralty, Mr. Augustus Stafford, whose acquaintance I had made in Ireland when his name was Stafford O'Brien. He asked me, point-blank, whether I would promise to support Lord Derby's Government; intimating that my election might depend upon the answer I gave. I answered that I had no hostile feeling towards Lord Derby or his Government, but that I meant to preserve my independence, and support them or not according to the opinion which I might form of their measures.

Of the men who held office under that administration, no one more disappointed the expectations which his reputation might have justified, than Mr. Augustus Stafford. He was an accomplished, and was generally thought a high-principled man. But, as Secretary to the Admiralty, he used Government influence in the dockyards and seaport towns, in a way which did his party no good,—with an equal want of scruple and of discretion. I regarded what he said to me as a declaration of war; and so it proved.

Mr. Mare's canvass at Plymouth was from that time pushed vigorously; it was given out that he would do wonderful things for the place. Collier was safe; and it soon became evident that, of my other competitors, Mare was the most formidable. My Conservative supporters of the lower ranks began to fall away; and on the 17th of June I was harassed by questions on religious subjects at a general meeting of my own Committee, from some who wanted an excuse for withdrawing their support. There were rumours also, not unfounded, of bribery by Mr. Mare's

agents. At the end of that month my friends advised me to retire. Circumstances had changed since I declared my determination to go to the poll, and I could not resist the unanimous judgment of those whose fidelity to my cause was beyond question. I therefore took leave of Plymouth at a crowded public meeting on the 2nd of July, vindicating my principles and my conduct in Parliament, to my own content, and, if I might judge by my reception, to that of my audience also. Mr. Mare was returned as Mr. Collier's colleague,—only, however, to be unseated for bribery in the spring of the following year.

My Plymouth friends subscribed to have my portrait painted, and presented it to my wife. The artist chosen was Sir Francis Grant. I have always myself valued the picture for the sake of those who gave it; but as a likeness and a work of art, it was not approved by good judges. This was not wonderful, if it was executed upon the principle explained to me by Sir Francis during one of my sittings. "I suppose" (he said) "a man to think himself an Apollo, a woman to think herself a Venus, and a mother to think her children Cupids. So I begin with that idea, and then work from the head of my sitter till I have obtained a sufficient likeness."

Mr. Kelly could not be prevailed upon to receive any remuneration for his services to me during that troublesome and disappointing contest. I could only get him to accept a present of plate in memorial of our friendship.

When my retirement became known, I received an

overture from Henry Wilberforce, then living near Dublin, to stand for the county of Carlow; and he said there would be little doubt of my success. But I thought the position would be a false one, and that, however careful I might be to maintain the ground on which I had taken my stand at Plymouth, I should not have the credit of doing so. I therefore, without hesitation, declined that offer.

It was on returning from a visit to Plymouth in September 1852, that I heard of the death of the Duke of Wellington. Almost his latest act, as Chancellor of Oxford, was to appoint me deputy-steward of the University, an honorary office, without salary or duties, but not unacceptable to one attached to Oxford as I was. This he did on the recommendation of Lord Lyndhurst, who had a short time before the dissolution of Parliament paid me the compliment of placing in my charge a bill for the removal of some obsolete disabilities, affecting the Jews, which he carried through the House of Lords.

The new Parliament met in November 1852. Of my own friends, Cardwell, who lost his seat for Liverpool, was absent from it. Lowe sat in it for the first time, for Kidderminster. Lowe's preparation for a statesman's career had been of an unusual kind. After taking his degree and marrying, he remained some years at Oxford as a private tutor much in request, qualifying himself at the same time for the Bar, to which he was called. Then (as I heard from himself) a London oculist whom he consulted about his eyes told him he would have the use of them, at the most,

for ten years longer. Upon this he determined to make as profitable a use as he could of them within that time, and with that view went out to Sydney to practise at the Bar there, which he did with great success; also representing that city for some time in the Colonial legislature, and holding office, once or oftener, in the Government of New South Wales. Before the ten years were over he had made and prudently invested as much money as he thought necessary; and he returned to England with his eyesight as good as it had ever been. So it continued for thirty years or more afterwards, while he played a conspicuous part in English politics.

Lord Derby went out of office at Christmas 1852, and Lord Aberdeen's Coalition Ministry came in. The legal offices were filled by Lord Cranworth (Lord Chancellor), and Sir Alexander Cockburn and Sir Richard Bethell, Attorney and Solicitor-General. Lord Cranworth was succeeded as Lord Justice of Appeal by Sir George Turner, and Sir George Turner as Vice-Chancellor by Sir William Page Wood. One result of those appointments was to make a vacancy for the city of Oxford, for which Cardwell came in, holding office in the new Ministry, though not yet in the Cabinet.

My wife spent that Christmas at Hastings, and I at Mixbury. Some excitement was caused in both families by a rumour, picked up by a friend in the lobbies of the House of Commons or at some of the clubs, that I was to be made Solicitor-General. I neither expected nor desired any such offer. Bethell

was a Queen's Counsel of thirteen years' standing, I of not quite four; and he was the acknowledged leader of the Chancery Bar. It was not supposed before that time that he was a man of very settled politics. His vacillation, however, had ended in his coming in for Aylesbury as a Liberal; and his powers and reputation entitled him to expect from the party which he had joined the promotion which he received. The profession generally recognised his claim to it; he was also in the House of Commons, while I was not. I suffered, therefore, no disappointment; and Bethell, always friendly to me, did not suspect me of the presumption of having been his competitor for office. But I had the annoyance of reading in the *Guardian* a foolish paragraph, to the effect that "my acceptance of the Solicitor-Generalship was precluded by my absence from Parliament"; and that "my right to it was otherwise incontestable." "Stupidly officious, is it not" (wrote my brother Edwin, on the 30th December), "to insinuate that the offer was made, or that every one knew it would otherwise have been made?"

All (he added) has gone according to your own expectation; though I wonder much at the imprudence of your Ministerial friends in spreading a report (if they did spread one) that you were going to have an appointment which they were not strong enough to get for you. I own I look upon it with some displeasure, as a bad augury for the general colour of the Administration; a sign, though a slight one, that the Whig influence actually predominates over the Peelite, or else, that the Premier and Sir James Graham are more disposed to humour the Whig than the Gladstone section of the Cabinet. Altogether, I fear that this Coalition is a very rickety affair, and that Lord Derby was quite

right in saying that "distinction without difference" was an inapplicable term for the relation between the views of a Russell, a Molesworth, a Baines, a Keogh, and a Gladstone,—not to say a Lowe. I only hope that it will come to any smash, sooner than be reduced to harmony by Gladstone and Herbert turning into Whig-Radicals.

Dr. Yonge wrote in much the same strain about the composition of the new Government, and said he was glad I was not in Parliament or in office.

It was natural enough that Edwin should suppose the paragraph in the *Guardian*, and the rumour which preceded it, to represent some wish or intention of the Peelite members of the Coalition, or of some of them, which might have been realised if their influence had prevailed. But I never had any reason to believe that this was the fact. No allusion to the possibility of such a thing was ever made to me by any one who could have known the truth, if it were so; not even by Cardwell, with whom I was in frequent communication. It is probable that both paragraph and rumour originated in the indiscreet zeal for my advancement of some of my Oxford friends, who may have overrated my professional claims and underrated those of Bethell.

To Lady Laura Palmer

Mixbury, Christmas Day, 1852.

My dearest Darling—After a very happy Church time this morning, when we came out, I received your two letters, and dear Lolly's little enclosure. I have, however, received no letter from Cardwell, nor from any one else respecting the Solicitorship; consequently, I am disposed to think that too hasty credence must have been given to some rumour, which

was thought well founded, but which probably was not so. I could hardly be published as in office, without having first been consulted about it myself, and, as for "M. P. for Oxford," it is obvious that must depend upon the citizens of Oxford, even if it were decided that I should offer myself to succeed Sir W. P. Wood. So I am in a state of mystification, and anxiously wait for further advices. I confess, under all the circumstances, I rather shrink from it, and shall be better pleased if the report is not confirmed, though in all probability I shall not refuse to co-operate with my friends if they really have so settled it; and in that case, I fervently join with you, dear love, in trusting and praying that God may give me the needful grace and strength to serve Him faithfully in such a vocation. In Him we may always safely look up; and, if we yield ourselves with fear and trembling to His guidance, I doubt not He will make our way (or, rather, *His own* way) plain before our face.

Should it really turn out as you have heard, I think I would rather go back to my friends at Plymouth (if it can be so managed) than try a new place.

I enclose a flower for *each* of the darling children, and remain ever, my own best wife, your most affectionate R. P.

A petition was presented by Mr. Braine against Mr. Mare's return for Plymouth, and in May 1853 he was unseated. Mr. Braine at once offered himself for the vacancy; and on the 18th of May a requisition, well signed, was sent to me to allow myself to be put in nomination. It was not very willingly that I consented; nor was the step very agreeable to my wife. The experience of the last contest was discouraging, and the introduction of theological questions, by which I had been harassed, and might be again, was distasteful to both of us. My hesitation, however, was overcome by the strong re-

presentations of my friends as to the certainty of my being now supported by almost all those who had voted for me in 1847. Relying upon those assurances, and having also an affection for the constituency notwithstanding all that had happened, I accepted the invitation, upon the understanding, however, that I should not canvass or ask any elector for his vote. In my address, issued on the same day, and afterwards at a public meeting, I announced this resolution; saying that I should not have come forward again spontaneously, nor unless I had the prospect of being supported by men of more than one shade of opinion; and that while, if it were their pleasure to elect me, I should willingly accept the honour and serve them to the best of my power, as an independent supporter of Lord Aberdeen's Government, no object of my own would be disappointed in the contrary event.

Ten days after this, on the eve of the election, I was surprised, and for some moments perplexed, by receiving from my wife—whose zeal for her husband's honour was not less strong than her affection—a letter full of anxiety lest I should be doing wrong. Mr. Braine had written to some subordinate member of the Government (probably the Secretary to the Treasury, who belonged to the "Liberal" side of the Coalition) with the view of getting pressure put upon me to retire. He seemed to think that, because he had been at the expense of the petition which unseated Mr. Mare, he had acquired a right to the seat, which nobody

except an opponent of the Government was at liberty to dispute. Mr. Gladstone was appealed to, to use his influence. He sent Sir Stafford Northcote, then his private secretary, to see me; and Sir Stafford, finding that I was at Plymouth, enclosed a copy of Mr. Braine's letter, with one from himself, to my wife. This disturbed and distressed her; and she at once sent both letters down to me, saying, most justly, that "even to such a man as Mr. Braine, she could not bear the idea of my appearing to do anything which might be discreditable."

I received those letters on the morning of the day fixed for the poll, when I was about to attend a meeting, and had very little time for reflection. I paced up and down, searching my conscience as strictly as possible as to whether there could be any reasonable ground for calling in question my moral right to stand against Mr. Braine. I could discover none. What discredit, or appearance of discredit, could there be in my assenting to the wish of a majority of the constituency (if such they were) to restore me to my former seat, from which Mr. Braine (among others) had come down to oust me the year before? I was under no engagement or obligation to him, direct or indirect. No communication of any sort or kind (beyond the barest civilities while he was opposing me) had ever passed between us; I had nothing to do with his petition or with his candidature. I had never said a word to any one which, if repeated to him, could have induced him to believe or suppose that I would not

stand against him. The doctrine that, under such circumstances, he could acquire as against myself, any more than against the constituency, a moral right to the seat, either by presenting the petition against Mr. Mare, or by paying whatever it might have cost him, was unintelligible to me. True it was, that he and I were both prepared to support the existing Government. But I was entirely free from obligation, even to those members of the Government with whom I best agreed. If they were under any engagements to Mr. Braine, which might oblige or induce them to prefer his candidature to mine, that was a matter with which I had nothing to do. My opinions differed from Mr. Braine's, as much now as in 1852. Mine might resemble those of one section of the Coalition, and his might resemble those of the other section; but no attempt had been made by any one belonging to either section to come to any understanding with me as to this or any other seat, or as to Mr. Braine; and there could not be any moral claim upon me to retire in order to please that section of the Coalition with which I agreed, much less to help them to please the section with which I did not agree. Possibly I might have declined the invitation to stand, in order to please them, if they had expressed a wish to that effect while there was yet time; but no such wish had been expressed. I had no reason to know, or to suppose, that my reappearance in Parliament as member for Plymouth would be unacceptable to them. As it was, to

retire at the last moment, merely to please a Government which had no claim upon me beyond what I myself created by offering them an independent support if I were returned, would be to play false and act a dishonourable part towards those among the constituency whose invitation I had accepted. This I could not do. I was no office-seeker, or expectant of favours to come. If I took a course which might possibly stand in the way of any promotion to which I might otherwise have aspired, that was my own affair; it might at least be taken without dishonour.

I met my supporters that morning with a clear conscience, though not with an unruffled spirit. The poll took place, and I was returned by a majority of 68: the numbers being—for Mr. Braine, 876; for myself, 944. So I was again member for Plymouth, and retained that position till the dissolution of 1857. I never heard that any man, in or out of the Government—Mr. Gladstone, Sir Stafford Northcote, or even Mr. Braine himself—thought me liable to reproach for accepting, under the circumstances, that position, or for resisting the pressure put upon me to retire.

CHAPTER XL

MY FATHER'S LAST DAYS

1853

AFTER his removal from Mixbury to Finmere, my Father's health continued to fail. In the spring of 1853 it became apparent that the time when he would be taken from us could not be very far off. He waited calmly for the end.

My Father survived his eldest brother, my Uncle George of Nazing, who died aged 81, on the 12th of May 1853.

What my Father said of my Uncle Richard Roundell, on his death in 1851, that he was "a kind, honest Christian gentleman," was certainly not less true of my Uncle George. In one respect he had the advantage. My Uncle Richard was never married; but my Uncle George had a very happy married life, and saw his children's children.

My Father did not write much during the last year of his life; but some letters of that time, and notes of some of his conversations, have been preserved.

He wrote to my brother Horsley (who felt the decline of his Father's strength very much), on Christmas Day 1852:—

I would not have you write yourself "Very, very much out of spirits." I ought not to distrust the Goodness which has extended itself in mercy toward me all my life long: and certainly I am going down the hill now at a very easy rate, and with every comfort about me. As to my bedside, I had rather you were present there in imagination, for the most part, than in reality; for I converse with more ease to myself as I am conversing now, than by word of mouth.

For Horsley my Father had a particularly tender feeling, seeing in him some qualities which he thought like his own; and among his comforts at this time, not the least must have been that Horsley was filling his place at Mixbury. Although of earlier dates, some letters to him, in which that feeling came out, may not here be out of place.

I do not (he said in May 1847) take a less lively interest in any, because of the variety of character that may be perceived in different individuals towards whom I have naturally an equal affection,—standing in the same relation to them, and that the first of all relations. When I say that I perceive in you a character more like my own, you are to understand that I am only the more anxious for you on that account, being sensible of my own deficiency from youth to age, and of what, through that deficiency (and more than that) must in very many respects be accounted as the failure of my life. For which, God be merciful to me in time to come; as indeed He hath been, notwithstanding, most eminently in the past.

I wish I had been in the habit of working more methodically and habitually all my life than I have been; but, in truth, I have been too much distracted by a variety of concerns, interfering with one another; which harass a man more than mere work would do, and too often prevent his working with all the

effect he might in any. However, you know me too well to need my dwelling upon this, even by way of caution to yourself; and have too much reason, in respect of your own education, to lament it.

These letters exhibit in a strong light the humility, unaffected, but never standing in the way of the manly performance of duty, which was a marked feature in my Father's character.

His last letter to William on the Roman controversy (dated the 5th of January 1853) was drawn from him by a wish of my Aunt Mary to know what he thought of the argument of a letter written to her by William in the preceding month. It related to four points—(1) the Papal authority, (2) the mission to teach of the Pope and his adherents, (3) the deference claimed by them from us, and (4) our duty, in seeking to be set right wherever we might be wrong, and "to be found advancing, from truth to truth, in the knowledge of all truth." On these several points my Father observed:—

1. For the "authority of the See of Rome," in the person of the Pope—it can be no other than that which he claims for himself. For this, refer to various bulls, which have issued from the Papal Chair, and which (however they may be disapproved by the more judicious and moderate Romanists) have never been withdrawn, disavowed, or annulled by the same authority which set them forth. To an authority set forth in such terms, and applied to such purposes, does it not seem sufficient to reply in the text, "My kingdom is not of this world"?

2. If we are to understand the mission of the Pope, and of all other Bishops, to be to teach neither more nor less than the Apostles of our Lord have taught, then ought it to be shown, that they have really taught, and really do teach, the same

things, neither more nor less. And how, then, can we reconcile the doctrines of the Assumption, the Immaculate Conception, and (above all) the worship paid to the Mother of our Lord? How, the lawfulness of prayers, in any kind, to angels or departed saints? How, the doctrines of Purgatory and Transubstantiation? It should appear, even from Mr. Newman's own books (the ablest of those who have gone over to Rome), that a theory of development is necessary; and that such things cannot be proved from Scripture or the acceptation and practice of the Primitive Church. Surely then we must apply the text, with respect to the teaching of the Church of Rome, "Take heed how ye hear," not only to the duty of hearing and the danger of disregarding an authority appointed to teach, but (in some measure) to considering and judging of whatsoever may be taught.

3. . . . As to the Tradition, to which they who are in love with Rome attend so much—Is not Holy Scripture, above all things, the Tradition of the Church? What, then, shall we do with such texts as, "*Be not wise above that which is written*"; "*Whoso shall add unto these things, God shall add unto him all the plagues that are written in this book*"; "*Let no man beguile you of your reward,—intruding into those things which he hath not seen*"? And may not the things, even in the Apostles' days pointed out in these texts and the like, be indeed the germs upon which Mr. Newman's theory really proceeds? These, my dear William, are the considerations which deter me from admitting an authority, which might lead me, as it seems, step by step, to receive all that the Church of Rome teaches and has taught, and make myself a party to all that she does, or has ever done. . . .

4. I hope in *this* we entirely agree, and ever shall,—namely, a sincere desire to be set right, in everything where, unhappily, we may be in the wrong, and to be found still advancing and progressing in the knowledge of TRUTH.

These were his last words as to disputed questions.

To my sister Eleanor he said, on the 8th of April (when it was not yet known that the state of her husband's health had been such as to oblige him to leave Ceylon):—

So long as your health permits you to make use of the talents which have been given you, and while your husband is able to go on with his work, I would not have you leave the field you have been called to, and the work you have undertaken. . . . We must not be disheartened by obstacles, but stand firm against them, and press onwards through them. . . . The effect we must look for in the favour and blessing of God upon ourselves, and His acceptance of the work we do will be our reward. *Fruit* we must not look for, though doubtless it is there.

My sisters Emily and Emma accompanied him and my Mother to Finmere, and were much with him in his latter days. Emily noted down many things which he said.

To my Mother he said, "If I had gone all the world over, Dory, I should never have found another like you."

Speaking of the Church of England, "I have no notion of leaving this Church, nor even of giving up my living, because false teachers arise in it; but rather I would keep my own place, and do all I could to keep matters right by preaching what I know to be the truth, however much others might do the contrary.

"The first step in the Christian life, and so the first aim of every one of us Christians, should be to subdue our own wills. We should each try to be master or mistress of our own actions; for, if we are not, our own wills will soon entangle us."

His latest conversations referred to that state of being, in the unseen world, into which he was so soon to enter. After talking, on the 12th June

1853, about the passage in the First Epistle to the Corinthians,[1] which speaks of "every man's work" as to be "revealed by fire," he said—

The intermediate state is much hidden from us; we should not dive into those things which it seems intended by God we should not know. It may often strike us with wonder, as to the future happiness or misery of others, but this is not for us to know; nor does it concern us now. We ought not to judge others: this we are taught both by the Lord Himself and by His apostles. Those who in our eyes seem the worst may in God's sight find mercy: there are many things about them hidden from us. And again, those whom we perhaps look upon as *safe*, may by God be found unworthy at last. We must leave others to God; we have enough to do with ourselves. Without presumption, we may safely say our Lord teaches us this in His answer to St. Peter's question concerning St. John: "Lord, and what shall this man do?"—"What is that to thee? Follow thou me."[2] We must simply believe what God has told us, without curiously seeking to know more, and take care we do not fail in doing our work.

He recurred to the same subject about a month before his death :—

It is to be observed, from our Lord's day to this, that, while there is a strong propensity among men generally to know the future doom that may await themselves and others, our Lord never indulges any such curiosity; but exhorts all of us, in the uncertainty that belongs and ever must belong to the present state of proof and trial, to trouble ourselves only with one point, —that of making our own calling and election sure. I think that to no individual doth He ever promise, except conditionally, his own future salvation; and would infer our proneness to mistake in judging of others, by observing that in the Great Day "many that are last shall be first, and the first last."[3]

[1] Chapter iii. 13-15.

[2] St. John xxi. 21, 22.

[3] St. Luke xiii. 30.

I advise you to avoid at all times judging and condemning others, unless *duty* requires you to do so. The Judge Himself abstains from doing this till the Day of Judgment comes.

It was my Father's habit, for many years, to compose, and use daily or on special occasions, private prayers, which he copied into the blank leaves of small pocket-books or diaries, some of which he desired to be given to us after his death.

One of these books, of the year 1827, contained the following prayer of my Mother and himself for their children :—

O Almighty and most merciful Father, whose blessed Son did teach His disciples that if two of them should agree together as touching anything they should ask in His name, Thou wouldest grant their petitions,—hear the humble prayer even of Thine unworthy servants. Thou hast blessed Thy servants with children. O bless them by our means : bless them in their temporal estate, and in their spiritual growth, correction, and improvement. Make us worthy to teach, and them quick to learn. Give us grace to set them an example of faith towards Thee in our own lives, and let them at once avoid their father's sins, and exceed in goodness and in love. Unite them together with an affection never to be broken, and extend their love from thence towards others. To whatever state of life Thou callest them, let Thy Providence watch over them in the same ; give them what is good for them to have, and keep them from the evil. Enable them to serve Thee in Thy Son, and let them find favour and mercy in the end. Protect them in their youth : guide them in their riper years : defend them in their age : and finally grant that they may be numbered among Thy saints, through Jesus Christ Thy Son, our Lord. Amen.

Another prayer for his children, and remoter descendants, was in a book of the same sort, given to my eldest sister Mary.

O merciful Father, who hast taught us to pray, and wouldest have us pray and care each one for his brethren, mercifully hear at this time the most unworthy of Thy servants. Let Thy grace and favour be towards the children of this house. Let them still live walking in Thy holy fear, and loving one another, as by their parents they were taught. Correct and chasten them of their faults. Let not the things of this life, nor the vanities of the world, possess their minds; but let them profitably use their time here, their hearts and hopes fixed upon the future. Their children and their children's children have Thou in regard; let them still become wiser and holier than their fathers. . . .[1] Walking in Thy holy fear and love, and mindful of the commandment and instruction of their parents, let them stand as the house of Jonadab[2] before Thee; that such of them as shall be alive at the coming of our Lord may be found faithful in Thy sight, and that the rest may sleep in peace and rest in hope, until, rising from the grave, they shall be caught up together to meet the Lord in the air.[3] Grant this, I humbly beseech Thee, in and through Thy Son Jesus Christ our Lord. Amen.

In another of those books (a diary of 1851), there was a prayer, altered from one in the book of 1827, "*For our first-born, and for the special guidance and protection of all our children.*" This was the last which he ever used: he repeated it only two hours before his death:—

O Almighty God and merciful Lord, who, notwithstanding the baseness and vileness of Thy servant, hast permitted him to desire that his eldest-born might become a fit instrument for the service of Thy Church, who hearest and wilt hear the prayer; O teach me to pray, that I may be heard. Chasten and direct the minds of Thy servants in respect of their wishes and the

[1] The part omitted here was repeated from the prayer of 1827:—"*Let them exceed in goodness and in love,*" to "*find favour and mercy in the end.*"

[2] Jeremiah xxxv. 19.

[3] 1 Thess. iv. 17.

present objects of their aim. In all these things, Thy will, not ours, be done; for that must always be the best. Thy merciful hand be ever on Thy child; lead him not into temptation, but deliver him from the evil. Deliver him, O Lord, from all religious error; enlighten his understanding, that he may rightly discern and divide the truth; give him grace to embrace and love it, and zeal to recommend and teach it. Thou alone art He that givest grace and wisdom, and learning, and discretion; and Thou didst bless the exertions of his youth. Bless Thou also the labours of his riper years; guide, chasten, and inspire his mind. Let him find the direction he desires from above; let him feel Thy heavenly calling. May Thy Providence still direct every event for good, and give Thy servants grace so to think and implicitly believe. To whatever state or office of life Thy Providence shall lead him, give him grace with faith and patience sedulously to fulfil the duties of the same, knowing Thy will; and grant that he may so profit withal, that in the day of Thine account Thou mayest approve his use in the talent that is Thine; and, being without guile and without offence, let him daily grow in grace, and in favour both with Thee and with men.

And as for his first-born, so hear, I pray Thee, the same in all things, the prayer of Thy servant for all the children of Thy servants, both sons and daughters. Grant them, O Lord, grant them repentance unto life, not to be repented of, and deliver them from the evil. Yet let Thy hand be over them for good, now, and in that state of life to which Thou shalt be pleased to call them. Yet give them grace and peace upon earth. Yet let them live in love one with another, serving Thee in their generation, doing good according to Thy will. And let each one find his place among the multitudes of Thy Redeemed at the last day, in and through Thy Son Jesus Christ our Lord. Amen.

FROM THE REV. J. W. BURGON TO THE REV. H. ROSE

My old Rector sent me word he would like to communicate in Church with his family, but that it must be in the afternoon as he cannot leave his bed till late in the day. I went to see how he was, and found him lying back in his chair, too feeble to talk much, his blue eyes looking up at the storm which was

sweeping over the sky and drenching the pane. "It is only a scud, it will pass," he said, "have all ready"; and he came and received the Blessed Sacrament with all his family (Roundell, who came from London on purpose, included). It was a solemn and impressive sight. Everything in keeping: in the waning light he, a tall, gray-headed old man, taking the Blessed Sacrament for the last time in his own Church, he and his wife surrounded by their children, his sister, Mrs. Mary Palmer, with them. I shall not forget it. Such lives spread their influence. In Finmere there are only 400 persons. But I administered, when here, the Holy Communion to 145, and not rarely but regularly.

When I took leave of my Father, at night on the 27th September, to return to Mixbury, where I was staying with my wife, I did not think that the end was so near as it proved to be. But Edwin, who remained at Finmere, wrote to us the next morning to say that he was gone.

"All is over. Our dear Father was taken away this morning between one and two, by a most quiet and tranquil end. His eyes were closed for the last hour or so; so that no one round his bed had any other farewell from him than he gave in wishing each good-night, some hours earlier."

My Father's wishes as to his funeral were expressed in a letter to Horsley, and also in his will, both dated early in 1853. In the letter he said:—

I take the present opportunity of saying, there must be no memorial to myself, other than such as I have provided for others and directed in my will. It may also be as well to say, that I have contemplated the unoccupied space against the south wall of the churchyard, between the sycamore tree and the little gate from the Rectory premises to the Church, to be gradually

occupied by my own remains, and those of such of the family as may chance to die in the neighbourhood, or in London, and have expressed no objection in their lifetime, or preference for some other resting-place. The only mound that appears all the way upon the sod between our gate and the churchyard gate on the south side of the path, is that on the left hand as you enter from the house; where I performed the last rites for a poor and good and afflicted old woman, who had no relations in the place, of the name of Tims,—now little less than fifty years ago, I think forty-eight or forty-nine, as the register will show. Her remains must not be disturbed. This you will bear in mind, and act accordingly. You will observe also, on your premises, that three stones have been provided for the next grave; which it is intended Collins[1] should be employed, at his leisure, to shape, work, and set up, when the time comes that *any* of us are taken.

The directions in the will were these :—

I request that, if it be convenient, my body may be buried in the churchyard at Mixbury, in the plainest, commonest, and least expensive way, in a single coffin, made of elm wood, and in a common grave, as near as may be to that of my dear son Thomas; without brick or mortar, except so much as shall be sufficient to give stability to a common head and foot stone, and afford bearing at the ends to a gravestone, such as marks the grave of my dear son. And I would have no tablet or other monument erected to my memory in the Church; but my gravestones may be engraved with any text or texts of Scripture selected by my sons, or with any verse or versicle of their own composing, in the spirit of such as I have myself caused to be engraved on the stones of the grave of my dear son. I request, that on the day of my funeral, or some other day that may be convenient, every poor family in either parish may be provided at their own homes with a good meal of fresh meat and its appurtenances, that they may eat and be thankful, and bless God, who giveth and taketh away.

He also left a memorandum, expressing his wish

[1] The village stone-mason.

that Mr. Burgon should perform the service at his burial. After it was written, Mr. Burgon ceased to be curate of Finmere; but it was not cancelled: and we desired that our Father's wishes should be complied with in every point. I went over at once to Houghton-Conquest in Bedfordshire, where Mr. Burgon was. He loved and revered my Father, and has said,[1] that the request "came to him like a comfortable message from Paradise." He willingly came. On the last day of September 1853, my Father's remains were borne by labouring men of Finmere and Mixbury over the two miles of road between the parishes, followed on foot by such of us as were able; the rest, with my Mother, meeting us at the entrance to Mixbury churchyard. There we laid his mortal part, "in sure and certain hope of the resurrection to eternal life through our Lord Jesus Christ," as he had desired. To the inscription upon his tombstone (afterwards set up), recording his name and office, and the dates of his birth and death, there was added an adaptation, by William, of part of "the writing of Hezekiah, king of Judah, when he was sick, and was recovered of his sickness":[2]—

"I said in my sickness, I am cut off, I am deprived of the residue of my years; I am oppressed; O Lord, undertake for me.

"What shall I say? He both spake unto me, and Himself did it; He recovered me, and made me to live.

"O Lord, by these things men live, and in all these things is the life of my spirit. Yea, and Thou wilt also bring me up

[1] *History of Finmere* (1887), p. 68.

[2] Isaiah xxxvii. 9. (See Vol. I. pp. 242, 243.)

again from the deep of the earth; in love for my soul, Thou wilt deliver it from the pit of corruption. Amen."

Mr. Burgon, on the Sunday[1] after the funeral, preached a sermon to the people of Mixbury, in which he bore this testimony:—

I can but say, that to promote your happiness, in time and in eternity, was so entirely his study, and came out so frequently in his discourse, that I have learned more from him than from any other of the love which a minister ought to bear towards the flock entrusted to his keeping. And his was not that sentimental love which, like Jonah's gourd, perishes as rapidly as it has sprung up; but a deep and steady regard for your truest good; a fixed principle, rooted in the love of Christ, which grew stronger and deeper as he grew weaker and older, and which aimed at nothing less than the entire holiness, as well as the utmost possible happiness, of you all. . . . True love is that which seeks the highest good of the thing it loves; and he is the best steward who makes *the most* of his stewardship; all which praise was in a higher degree the praise of your late Rector, than of any person I ever heard of. The truth of what I say yourselves know very well. From earliest infancy you have all had experience of his care. The little lambs, here at least, are gathered into the fold, not only of the Church but of the school; and from that time forward how has ministerial zeal, in one shape or another, found them out! Truly, in this parish and the next, it may be said to have followed every individual from the cradle to the grave.

This was no passing expression of the feelings of a full heart over a recent grave. Five years afterwards, on the reopening[2] of Finmere Church after its restoration by my Father's successor,[3] Mr. Burgon again described him as "a minister unequalled in love for his people." And in 1886, within two years of

[1] 2nd October 1853.

[2] 15th November 1858.

[3] The Rev. F. Walker.

his own death, he wrote from the Deanery of Chichester: "Mr. Palmer was without exception the most faithful 'steward' of his means and opportunities I ever knew. Everything he did was done most liberally; but all was done *on system;* and, as there had been no extravagance, so there was no waste."[1] He concluded a short narrative of his recollections as curate of Finmere, with these words: "I cherish the memory of his friendship, and of my connection with that humble village, as one of the choicest blessings of my life."[2]

Such was my Father to his parishioners. How shall words describe what he was to my Mother and his children? They saw in him, and had seen as far back as memory and intelligence could reach, a rare union of all that a husband and a parent ought to be. Some reflection of those qualities remains in the letters which constitute the most precious part of this volume. Writing to my wife from Finmere, on the 19th of October 1853, I said: "I have been occupied in part, since I came here, in reading my Father's letters, and his character comes out more and more in everything I read. For wisdom, humility, piety, and tenderness of affection, I think he could hardly be matched, if you sought the world over." Hardly less conspicuous than those virtues were his constancy, firmness, patience, sobriety and moderation of judgment, and thoughtfulness in the midst of active

[1] *History of Finmere.* Compiled by J. C. Blomfield, M.A., Rector of Launton, and Rural Dean (Buckingham, 1887), p. 64.

[2] *Ibid.* p. 68.

occupation. He was consistent always, regardless of self, attentive to every demand of love and duty. Now we were to have experience of what my brother William anticipated when my Aunt Elizabeth died—the burden of walking alone, without the guide under whose shadow we had grown up. And yet, to myself, —I should suppose, to us all,—years were to pass before that could be quite realised. If seen no longer, if we could no longer have the help of his letters or his words as often as each new occasion arose, he was our guide and monitor still. The thought of him was still with us,—what he would have said, how he would have judged, how he would have acted or advised us to act, came in continually as a practical test, whenever any important step was to be taken or decision made. So vivid, for a long time, were those impressions, that his actual presence could hardly have been more powerful.

TO THE HONOURABLE ARTHUR GORDON

LINCOLN'S INN, *14th December* 1860.

However difficult it may be to give expression to the sympathy I feel for you, now that your dear father's trials, and that part of your own probation which related to him, have closed together, I cannot refrain from sending a few lines, to assure you that I am not unmindful of you at this time. May God grant to you all the comfort, which, under these irreparable privations, He, and He alone, can give! May He turn this, and all other sorrows which you have borne, or may have yet to bear, into sources of strength, and virtue, and happiness, here, and in that Eternity into which your father has now entered!

There is nothing which has made so great a difference in life to me as the removal of my Father. It cannot be otherwise

with you. Still, however, I feel, myself, as if continually surrounded by his influence, and conscious of his presence, stimulating and encouraging me to all needful patience, and self-denial, and faith in God, and hope to be reunited with him and other dear departed ones in the future life. I trust it will be so with you too, and with greater and more powerful effect. There is something precious indeed in the name of Father: and it helps us to realise what God is, and will be, to us, if our hearts only answer to His love.—Believe me, dearest Arthur, ever yours affectionately, R. PALMER.

TO FRANCIS PALGRAVE, ESQ.

HOUSE OF COMMONS, *25th July* 1861.

I need not assure you of my strong sympathy with you.[1] I also know that there is no loss in life of the same kind with that of a good father; and, though other losses, occurring less in the due course of nature and fulness of time, might be attended with more acute suffering, none can ever leave a deeper and more permanent impression. My Father was to me as a good guardian angel, filling truly and worthily the offices and functions of love and loving authority, which we are taught to look upon as the nearest representation to us on earth of our relation to Him whom we address as "Our Father" in heaven. I can well believe that it was the same with you; for I knew how much there was in your father to revere and love. The image of mine is still with me, never absent; and his influence and authority, though unseen, will cease with my life only: so that it is a sense, not of a blank loss, but of suspended intercourse only.

TO LADY EVELYN M'DONNELL

30 PORTLAND PLACE, *April* 1892.

I must write you a few short lines on the news which we have heard this morning of your dear mother's death. I can understand what it must be to you all,—the more perhaps, because I suppose you were not prepared for it by any warning.

[1] Sir Francis Palgrave died 6th July 1861.

There is no relation to be compared with those of husband and wife, and parent and child; each, of course, has its own peculiar character.

With good parents, such as your mother was, all our lives have been, from the beginning, bound up; and their influence has had to us in it something of the Divine.

My own Father once said to me, that it seemed *especially* intended to lead up our minds and hearts to God: "*Like as a father pitieth his own children, so is the Lord merciful towards them that fear him.*" I have found myself, and I should hope you also may find, that the influence remains, even when we no longer see with our eyes or hear with our ears those from whom it came;—and the sense of this, duly cherished and cultivated, is really a great help, to make us realise more and more the truth of the Unseen World. When I say the prayer in Church which follows the Ten Commandments, the prayer that God may not only forgive all my great sins against the Fifth Commandment, but may "*incline my heart to keep his law*," has lost none of its meaning to me, though I am now quite an old man, and have been parted from both my parents for so many years. I pray that God may support and strengthen you all. I feel for *every one* of you a real affection; and I shall like you to tell your brothers and sisters so.—Believe me, most affectionately yours,

SELBORNE.

CHAPTER XLI

DOMESTIC EVENTS—MY AUNT MARY'S DEATH—WILLIAM JOINS THE CHURCH OF ROME

1854–1855

WITH my Father's death this volume might perhaps have fitly closed, if my Aunt Mary had not been left behind. They were united in their lives, and in their deaths not long divided. I add here an account of some domestic events which soon followed, and which may be regarded as a natural sequel to what had gone before.

Fritwell is an Oxfordshire village, upon the same high tableland with Mixbury, from which it is about six miles distant. Fronting its street, there is a picturesque old stone-built manor-house, with gables and mullioned windows in the Elizabethan style, covered in autumn with the scarlet and crimson leaves of the Virginia creeper; the picture of "calm decay."[1] That house was vacant when my Father died; and to it, when they left Finmere, my Mother and sisters and my Aunt Mary went. The circum-

[1] *Christian Year*—Twenty-first Sunday after Trinity.

stances of the Church of Fritwell were not at that time very happy: but there was an active curate, put in by the Bishop of Oxford; and my sisters found their accustomed work there among the poor.

About the time when they removed to Fritwell, Hungerford Pollen seceded to the Church of Rome, to the great concern of all my Uncle Horsley's family. I tried earnestly to dissuade him from it. His brother John, and also John Wynne (brother of Charles Wynne,[1] who married his sister) had taken that step some time before. John Pollen, whose natural disposition, like Hungerford's own, was genial and cheerful, was one of the clergy of St. Saviour's at Leeds, a church built by Dr. Pusey and some of his friends. Dr. Hook, then Vicar of Leeds, had stood by them in all their troubles at Oxford; and they expected to be useful to him in his work. But the proceedings of the clergy whom they placed there raised a storm, and proved a hindrance, where help was intended. They deviated from Anglican ideas too far to be approved by Dr. Hook himself, and drew upon themselves the censure of Bishop Longley, a good Churchman of the moderate Evangelical type, between whom and Dr. Hook there had always been cordial relations. The secession of John Pollen (and of some others of the St. Saviour's clergy) took place not long afterwards.

I had a great affection for Hungerford,[2] and I

[1] Afterwards Wynne-Finch.

[2] Besides our connection through the Hurlingham family, he married John Robert Godley's sister, who never left the Church of England.

knew the sort of pressure which recent converts (not to the Roman Catholic Church only, but also to other forms of religious earnestness) were in the habit of putting upon their friends; treating the question at issue as one between eternal salvation and perdition, and using arguments difficult to be met without going into the depth of things. Against this I endeavoured, not then for the first time, to strengthen him: but the influences on the other side were nearer and more powerful. He was a man of generous nature; no theologian; but disposed to make temporal sacrifices, when brought to think that his interest and his duty lay in opposite directions. His uncle, Sir John Pollen, of Redenham near Andover, to whose estate as well as title he might naturally have expected to succeed, was then living,—a strong Protestant, likely to disinherit (as he actually did) a nephew who might become a Roman Catholic. Hungerford survived him, and lived till 1881. His change of communion withdrew him from most of the society in which he had lived. I saw him seldom afterwards.

TO THE HONOURABLE ARTHUR GORDON

HASTINGS, 27*th October* 1855.

So your journey to Spain is given up. I am not sure whether I ought not to be more sorry for it, on your account, than I am able to feel. If the Bishop alone would have been your companion, I should be simply sorry though much approving the sense of duty which led you to relinquish it. The case would be the same with respect to Robert Wilberforce, if I could suppose it to be at all probable that he would have left you and

his brother alone about the great controversy. But I cannot think this probable; and I confess I doubt whether such a controversial diet would have been a healthy thing for you to feed upon during so many months or weeks, either as a bystander and *arbiter pugnae*, or as a partaker in the discussion. You know that my mind is (and has for some years been) quite made up on this subject; and believing, as I do, that fidelity to the truth, in great things and small, and whatever may be the form of the temptation, is the first of moral duties and the foundation of a real manly character, I should be unaffectionate, if I were not anxious, when I see those for whom I feel affection exposed to influences, which I cannot identify with the cause of truth. Those influences are, of course, most dangerous, when they are exerted with any apparent advantage of moral position, added to intellectual power, and to a special knowledge to which one has no similar knowledge of one's own to oppose. Under such circumstances, one has too often seen the consequences which result from a false start in argument, from an unguarded concession of principles or definitions assumed to be held in common but not verified, and from the unperceived recoil of undue self-confidence and abused private judgment, to desire that a friend whom one loves should be exposed to any such trial. The apparent advantage of moral position, for the purposes of such a contest, is certainly with the ex-Archdeacon, who has sacrificed a good worldly position, and is so far a *martyr* to the doctrine which he enforces as truth, and not with the Bishop, who retains a still better worldly position, upon the terms of believing as he does. For the purposes of argument, also, the Archdeacon is more free; he is like a soldier fighting *relictis impedimentis*, against one who has baggage and camp followers hanging upon his rear. In theological (oral) controversy, too, I suspect it is at least as true, as it is said to be in military science, that "the means of attack are *always* greater than the means of defence"; and I have, of course, been assuming, that, in this case, Robert would be besieger, and Samuel and A. G. the besieged. To us, reading or writing in our own rooms, nothing can be more apparent than that, in a question of truth and falsehood, all these are only apparent, and not real advantages; otherwise, one thing would be true, when argued for by Ridley or Latimer against Bonner

and Gardiner, and the opposite thing also true, when argued for by Newman or Manning against Sumner and Blomfield. "Yet I have found, in my experience, that these apparent moral and intellectual advantages do sometimes exercise a very undue practical influence, in predisposing men of candid minds, habituated to a merely defensive position and well acquainted with the difficulties, towards the side whose arguments come so recommended. All which only proves, of course, that the cause of truth is not safely or wisely dealt with, if it be sought after *this method;* and that, if this method is forced upon a man (not sought by him), it is one from which his friends may wish to see him as soon as possible delivered. When you recollect what men have yielded to the Roman line of argument (very much, as I believe, for such reasons as these), you will not be affronted that I should dislike the idea of one of whose intellect I think as highly as I do of yours being unnecessarily exposed to it. Indeed there is not one friend, among those whom I most love and respect, for whom I should not feel a similar sort of anxiety, unless he were either much less of a Churchman than I am myself, or able, after more trial and experience than you can yet have had, to say *inveni portum.*

Having run on so long upon this one topic, with which I give you leave to quarrel, and at all events to laugh at me, for applying all this to *you*, I see I shall positively be obliged to write you again in order to make amends by talking about other things.—Ever yours affectionately, ROUNDELL PALMER.

LINCOLN'S INN, *4th December* 1855.

If the question, which seems an open one to you, is a closed one to me, it has not always been so; and, though I make no pretension to be a controversialist (indeed I abhor it), I may have a thing or two to say about it, when time and opportunity favour, to which I shall ask you for friendship's sake to listen. There is such a thing as a verification *vivendo et meditando*, of some of the moral and intellectual conditions of the question, which is competent to any one; and, if I can do nothing else, I can at least make you master of the state of my own mind upon the subject, and in some degree of its history. I may deceive myself, but I firmly *believe* that my own anti-Roman

convictions do not rest upon any such narrow grounds as either popular prejudice, or this *inertia* and convenient conservatism which prefers the case of the *status quo* to any change for conscience' sake. If, on the one hand, many earthly ties bind me to the Church of England (which is true), on the other, no small part of my heart may be said to be *in* the Church of Rome; for I have lost to her a brother (as much above myself in all things excellent as could well be imagined); two very dear and intimate friends; and many more friends and acquaintances, whom I valued in a lower degree. A *complete* loss it certainly is; for the minds of converts are always engrossed with that one subject (who can blame them for it?); and when mutual opposition and discord have succeeded to sympathy and unity of purpose, on a subject which occupies the chief place in the affections and interests of both, a happy and unrestrained intercourse ceases to be possible, in this world, between those who formerly walked, but can walk no longer, "*in the House of God* as friends." The heart yearns still after such intercourse; there is no diminution of love within; but it becomes by degrees *such* love as we feel for the absent or the dead; for those towards whom we have given up all thoughts tending to continued intercourse *in this world*, yet with whom we do not and never can give up the hope of being reunited, when we shall meet before our common Lord, to see Him, not (as now) "through a glass, darkly," but "face to face." There is, therefore, you will believe me, no unaffectionate feeling towards Roman Catholics (though something of pain there may be), in the settled conviction which I have attained to, that they are *not* in the right.—Ever yours affectionately,

ROUNDELL PALMER.

In the winter of 1853-54, my brother William went to Egypt. He spent in that country four months—from the 19th of November 1853 to the 20th of March 1854. His attention was then drawn to Egyptian history and chronology, which he studied carefully; examining and comparing with the published accounts many of the most important anti-

quities and inscriptions in the valley of the Nile. He was led to conclusions as to the earlier dynasties widely different from those of most modern writers; which he explained some years later in an elaborate work, entitled *Egyptian Chronicles.*

While he was in Egypt, his *Dissertations* on the Greek and Anglican Churches attracted the notice of certain persons at home, who called the attention of the Vice-Chancellor[1] of Oxford to them, with a view to some academical censure. As to this, and also as to the war with Russia (then just begun), my Aunt Mary wrote to him on the 14th of March 1854, in a strain remarkable for its vivacity at her great age, being then within two months of her eighty-seventh birthday.

"About a month back, Dr. Routh was somewhat surprised at receiving a note from the Vice-Chancellor, requesting to be permitted to call upon him; which being agreed to, after the usual civilities, the Vice-Chancellor entered upon his business, by saying that he had received a letter from a friend at a distance on the subject of a member of Dr. Routh's College, Mr. Palmer; his friend being of opinion (and himself, too, I suppose, though this does not quite appear) that of his last book, the *Dissertations*, the same notice ought to be taken as fell upon Mr. Ward some time back—*i.e.* that Mr. Palmer should be deprived of his fellowship and his degrees, of which he thought it right to inform the President; who only answered, 'A very good man, sir; not the same with Mr. Ward.'

[1] Dr. Cotton, Provost of Worcester College.

Then something like a dialogue took place; the President, in reply, only saying at every stop, 'A very good man, sir'; 'a learned man, sir'; 'an excellent man, sir.' And when the Vice-Chancellor appeared to pause, Dr. Routh:—'Well, sir, have you anything more to say?' On the Vice-Chancellor saying he had not, Dr. Routh replied, 'Then, sir, I wish you good-morning'; attended him to the door, and bowed him out of the room. This story the President told himself at a dinner-party he had the same day; and Edwin heard it, I believe, from one of the party. You will, I hope, be as well pleased with it as we were.

"I hear that the war is all that people talk of in London, and indeed everywhere; and, between politics and Evangelicalism, the Emperor of Russia is very sadly, and to my mind unjustly, pulled to pieces. Nothing is too bad for him; the newspapers, I hear, are almost uniformly abusive. Lord Shaftesbury, in a very long speech in the House of Lords on Monday full of the same matter, assured his brother peers that the Grand Signor and Turks are by far more favourable to the Christian religion, and better Christians of the two; so that he must consequently think Louis Napoleon the very pattern of religious feeling and principle. The Ministers, however, did not absolutely applaud Lord Shaftesbury; but only assured the House that the present is not a religious war, but merely undertaken on political grounds. This declaration seems to have been intended in reply to the Emperor's manifesto. How favourable must all this be to the increase of infidel opinions, when we have

such a cause to fight for, and such friends and allies to help us!"

In April 1854, my wife and I changed our house for one in Portland Place (then No. 6, now No. 30), which has ever since been our London home.

Edwin was ordained deacon at Cuddesdon, by Bishop Wilberforce, on Trinity Sunday, the 11th of June 1854. I was the Bishop's guest on the preceding Saturday, and was present at the ordination. After a day of intense interest, I walked with Edwin, at a late hour, to Oxford, and there had a little adventure by way of finish to so happy a day. Having to attend consultations in Lincoln's Inn early the next morning, I had engaged a special train from Oxford to Reading, to meet the first up-train on the Great Western line; and to avoid all risk of missing it, I determined to sleep as near the station as possible, and engaged a bed at a small but neat-looking house close by, called "Grace's Railway Hotel," where I left some of my things. When I got there after leaving Edwin in Balliol at midnight, I found everything shut up, and all the lights out, and had great difficulty in gaining admission. They had forgotten me; a "commercial traveller" was sleeping in the bed which I had engaged, and every other bed in the house was full. I preferred attempting to sleep on bare boards in a small parlour downstairs, and in total darkness, to the alternative (which was offered me) of sharing some one else's bed. The night was cold and the wind boisterous; I wrapped myself in my cloak, and had just begun to doze, when the out-

side shutters of the windows were blown down with a tremendous clatter. This accident, I thought, would at least let in daylight, and help me to get up in good time. But no; some one outside came presently, and put the shutters up again, restoring total darkness. "All," however, "is well that ends well": I was in my place in Lincoln's Inn the next morning, at the proper time.

After the summer of 1854 the infirmities of old age increased upon my Aunt Mary; and on the 18th of September (William being still abroad) she sank quietly to rest. Only a few days before, my cousin Eleanor Currer, the younger of the two daughters of my uncle, then owner of Gledstone, a beautiful girl, endeared by the sweetness of her disposition to all who knew her, also died a very happy death, such as to remind us of our Dorothea's last days. My aunt's mind was clear to the last; nothing ruffled her temper, or checked her kindness to us all. On the 23rd of September her body was laid, close to my Father's, in Mixbury churchyard. "I have waited for Thy salvation, O Lord," was the text inscribed on the headstone of her grave.

My Mother's[1] chief motive for going to Fritwell had now ceased; and she removed, in the next year, with my unmarried sisters, to Bath.

William, after leaving Egypt at the end of March 1854, visited Mount Sinai, crossed the desert to Jerusalem, went to Athens (where he printed in Greek

[1] She survived my Father fourteen years, and died on the 1st December 1867.

some additional *Dissertations*), was at Constantinople in the autumn, and wintered at Rome. There, at the beginning of March 1855, he took the step towards which his mind had been so long inclining; and he explained the circumstances under which he did so in a paper dated the 7th March 1855, for the benefit of his family and friends.

Having been asked by friends to whom I owe deference to write something in order to guard against any inaccuracy in rumours which may be circulated, I put into their hands the following:—

The reader may imagine the case of a young Englishman too self-confident, and not free from sins, undertaking the study of theology, with the belief (derived from the Creed, and from Anglican tradition) that there is one Holy Catholic and Apostolic Church, and this a visible, not an invisible, Society;—nevertheless, that this Catholic Church is at present torn asunder, and divided into three parts: the English, the Roman, and the Greek; so that while, on all points on which these three parts teach alike, private judgment ought to submit itself absolutely, it is yet the duty of every man—of every Anglican at least,—in respect of all other points on which there seems to be as yet a difference between conflicting authorities, to labour, by assiduous prayer to God, as well as by attentive and diligent use of all reasonable means, to develop and fill up that truth which he already holds, and to discover and correct (for himself at least) any errors which may lurk beneath the tradition of his particular Church.

Add, next, that such an one, after passing seven years (1832-40) in thus cultivating and filling up or correcting his inherited Anglican tradition, finds himself to agree with the Greek or Eastern Church on all points of doctrine except one, respecting the Procession of the Holy Ghost. Again, that after seven years more (1840-47), he comes to agree with the Easterns on this point of the Procession also; and besides is forced by a gradually-accumulating necessity to confess, though most unwillingly, that the Anglican Church, in which he was

baptized and bred up, has fallen into grave errors. Lastly, that for eight years more, reaching down to the year 1855 now current, he remains without further change; having his heart meantime more and more drawn towards the Roman Communion, but without any such conviction of its plenary and exclusive authority as would require or enable him to make an act of faith in its doctrine on one or two particular points, contrary to the doctrine of the Eastern Church, and to his own private judgment assenting to the Greek rather than to the Latin theology.

We may add further, that the person referred to has made during the last eight years, both in Russia and in the Levant, repeated attempts to obtain admission as a proselyte to the "Orthodox" or Eastern Communion, and that these attempts have always failed; owing chiefly to a discrepancy existing at present between the Russians and the Greeks as to the validity of Western baptisms. For a proselyte from the Westerns, received by the Russians after their manner by Chrism only, is told by the Greek Patriarchs that he is simply and absolutely unbaptized; though by a certain dissimulation or connivance they would give him the Communion; while, on the other hand, if a man were to put himself into the hands of a Greek bishop to be rebaptized, he would be acting not only against the synodical decrees of the Russian and of the Roman Church, and perhaps against his own conscience, but also against the canonical discipline of the Greeks themselves, decreed by the Synod of A.D. 1484, and since abrogated in 1751 only by the personal authority of the Patriarch.

Under these circumstances, his Roman Catholic friends, of their zeal and charity, begin to urge him, as they had done before, but especially after his arrival at this place [Rome]; insisting that he cannot rightly, as an individual, remain so long outside the true Fold:—that for the last eight years, by his own confession, he has been only passively and unwillingly a member of the Anglican Church, and in no sense at all a member of the Greek Church. That, like other people, he has need of the sacraments; and, even supposing him to have been baptized, still he has need of a valid absolution and Communion; and of these he is deprived, so long as he remains outside of the

Church, passing his judgment upon all visible Churches, and having no certain ground on which to stand himself. That death is approaching to all men, and the time of death uncertain; it may come suddenly; and then to die without the sacraments is most dangerous. That he himself confesses his opinion, of the Catholic Church being a visible Society and yet divided into two conflicting Communions, to be paradoxical and difficult to maintain;—he confesses, too, that neither can the whole Catholic Church, nor any particular Church within it, be *permanently* severed from the Roman chair; and he cannot deny that, even when he thought himself obliged to seek admission to the communion of the Greek or Eastern Church, he dreaded rather than wished for success; while, on the contrary, even when he was most fighting against them, his heart wished for the Roman Communion. That, under such circumstances, he ought immediately to submit himself to the Roman pontiff, as to the chief doctor and ruler of the Apostolic Church, and be ready to make oath in such form of words as he prescribes, even though the form may contain some things inconsistent with his own private judgment, not only on certain particular doctrines, *but even respecting the definition of the Church*,[1] on which they depend.

In answer to such exhortations as these, it may be objected, that though, on all points of doctrine or practice which are ruled by the authority of the Catholic Church, private understanding has nothing else to do than to learn and to follow with docility the Apostolic authority, still, with respect to the definition of the Catholic Church, and of that plenary authority which is to be followed as the rule of faith and practice in all details, the case is different. For, as he who comes to God must first believe that God is, and that He is the rewarder of them that seek Him, so also he who comes to any particular community (as the Roman), as to the true Church, with an unreserved submission, and submits his private judgment and the judgment of other communities on particular points to its teaching, must first be fully persuaded that this same community is really the whole Catholic Church, exclusively of any other communities whose judgment it requires him to disregard. And until he has this

[1] Underlined in the original.

full persuasion, however closely a man may seem to approximate to the Roman Church, he is not yet ripe to be admitted as a proselyte to her communion. All that can be done with such a one is to exhort him to give closer and more habitual attention to those points on which he still doubts, especially to the primary question of the definition of the Church; to search and examine more narrowly his own conscience, and more earnestly to implore help and mercy of God, who alone can reveal to a man such sources of error as may be lurking in the heart or understanding, and lead him into all truth.

Such an answer may seem to some just and reasonable. Still, in the case of a person who needed valid absolution and remission of his sins, it seemed morally safest to submit himself to the undoubted Primate of the whole Apostolic College, so as to take from him on trust, not only some definitions of doctrine, but even, to a certain extent, that definition of the Church itself which is the first principle, and on which particular doctrines may depend; committing himself to the mercy of Almighty God, and trusting that the result may be such as his friends, who in past time blamed his hesitation and urged him to the step, most confidently anticipated for him and promised.

That any termination of the state of mind at which he had previously arrived would bring relief with it, was probable. To him it did so. He never took any further step, such as that of seeking Holy Orders in the Roman Church, which might have implied renunciation of his English ordination; he lived a quiet and studious life, divided generally between Rome in the winter and England in the summer, affectionate as ever to those whom he loved, and not pressing the great controversy too much upon them. That on some points he did not absolutely surrender his own conscience and judgment to the currents of opinion and forms of devotion prevailing in the Roman Church, and often assuming to be

clothed with her authority, is more than probable; but the submission of his intellect, which he had given in March 1855 to that authority when unequivocally declared, he continued to yield during the rest of his life; he was to the end a loyal member of the Roman Communion.

I wrote to him, in reply to the letter in which he told me what had happened, on the 18th of March 1855:—

I thank you for your affectionate and candid letter; the information conveyed by which, while it never could have been received without pain, was (as you anticipated) no great surprise to me. For, although I had no reason to suppose that you yourself had any such rapid end in immediate contemplation, I have long thought it was an end which would come sooner or later, unless Divinely prevented; and you have often spoken as if you thought so too: and the mere fact of your being at Rome was enough to prepare us, knowing, as we could not fail to do, that every effort would be made to accomplish that end by those amongst whom you would necessarily be thrown; and that the *genius loci*, as well as the increased independence arising from the dissolution of so many near domestic ties by death, which has lately come to you in common with all of us, would or might be co-operative influences. The manner in which it has happened is, perhaps, not entirely what I might have expected; and yet I know not why I should not have expected it, as it seems to be much the same which one has heard of in other cases. I will not affect to say that I am able to understand how it could be right; but I have not the least inclination to criticise in this instance; and indeed, when I look into myself, I feel deeply that I have no right to be my brother's judge, but that my business is rather to endeavour (if by God's grace I may be enabled to do so) to pull out the beam from my own eye. And if I can see (as you evidently supposed I should) some things in the process you have been going through which are moral difficulties to me, be assured at the same time, that I am not

incapable of appreciating the spirit of self-devotion, and the desire to know and follow the truth, by which—however mixed with human infirmity, and whether misdirected or not by any exaggerated reaction from the confusion and self-will of these latter days—I heartily believe you to have been throughout actuated. Upon this subject I will add no more, except that you will never be forgotten, either in my heart or in my prayers; and that I feel (even now) the separation to be more superficial than real (you will not misunderstand what I mean, though you may think this sentiment too Protestant); and that I shall never relinquish the hope and expectation of our final reunion, through the mercies of our Lord Jesus Christ, with those blessed ones who have gone before us, and those dear ones who remain behind, in the Kingdom of our Father which is in heaven, where the One True Church will be perfectly visible and glorious, without "spot or wrinkle, or any such thing."

With respect to our future relations, I have no difficulty in assuring you, that my sense of duty and my feelings go together; you will be our dear brother still (my own and Laura's) whenever you choose to come to us and see us.

In this letter I expressed the feelings of the whole family, though I spoke for myself alone. He understood, and reciprocated those feelings towards us all.

Dr. Routh was spared the pain of any breach or change in the relations in which William and he had stood towards each other. He was called to his rest on the 22nd of December 1854; and it was distance only which prevented William from standing by my side on the 29th of that month, when we committed to the grave, in Magdalen Chapel, the remains of the most aged, the most learned, and not the least primitive-minded, of all the Presidents whom the College since its foundation had known.

[By the courtesy of W. J. Birkbeck, Esq., I am allowed to copy what follows from his work, *Russia and the English Church*, vol. i. pp. 182-191, omitting only such matter as is not directly relevant to this chapter in my Father's *Memorials*.—S. M. P.]

The following letter, written to Count Alexis Tolstoi, the Chief Procurator of the Holy Synod, throws considerable fresh light both upon the circumstances which led to Mr. Palmer joining the Roman Communion, and to the views which he continued to hold with regard to the Orthodox Eastern Church. It is here printed for the first time in its original form, which was given me by M. Peter Bartenieff, the Editor of the *Russki Archiv* at Moscow, in which a translation of it appeared last year, and created considerable interest and surprise in Russia. M. Bartenieff received it from the present Chief Procurator of the Holy Synod, M. Constantine Pobédonostzeff.[1]

ROME, 13 DIETRO LA TRIBUNA DI TOR DI SPECCHI,
20th March 1858.

MON CHER COMPTE—I am availing myself of the opportunity afforded me through the kindness of Prince Cherkassky to send you a few lines. The Russian Chaplain in London, M. Popoff, has several times given me a friendly word of greeting from you, and this winter in Rome, where I have for the most part been living during the three years that I have been a Roman Catholic, I had the still greater pleasure of making the acquaintance of your friends or relations Prince and Princess Obolensky. As for myself, I have neither in my thoughts nor in my prayers abandoned those whom I knew in past times before the war and before the personal change which I made in the matter of religion. For one of your relatives in particular, Mme. de Potemkin, I preserve, and always shall preserve, an affection as deep as if she was one of my own dearest relations; and if I have not written to her during these three years, this was

[1] See *Russki Archiv*, May 1894.

because I well knew not only that proselytes are generally more or less suspected by others, but also because they very often deserve it: and that accordingly a proselyte ought to be an object of suspicion to himself, and this is why I wished to pass a little time alone by myself, without seeking to continue or renew the relations with others which I formerly had whether in England or in Russia. Besides, during the war, and even after it, I had not the same facilities as formerly for sending or receiving letters.

Now I will tell you in a few words what I have been doing during these last years. When I left Odessa in the autumn of 1852 I addressed a letter to the late Emperor [Nicholas] upon the subject of the relations of the Russian Church with the state, and I afterwards heard that this letter, although it was sufficiently frank, did not offend him. I think that I also heard that he had showed it to Mme. de Potemkin. In the autumn of 1853, after the death of my father, as I had for several years past suffered more and more from the gout, I went to Cairo in Egypt, partly to read there, and, if it were worth while, to translate a history in manuscript of the trial of the Patriarch Nicon, written in modern Greek by the unfortunate archbishop of Gaza, Paizios; for I had always intended (and still have not abandoned the idea) to complete my researches upon the life of this great and holy man, and even to publish his life in English or in Latin, if I should have succeeded in seeing the most necessary unpublished documents, so that my work should not be too incomplete.[1] But at Cairo I only found the first of the three books of Paizios, and even, in the case of the first, not the original text, but a copy made by the orders of the Greek Patriarch for M. Andrew Mouravieff. The Patriarch, on finding that the manuscript was difficult to decipher and that the copy already made of the first part was full of mistakes, had sent the original manuscript to Mouravieff in Russia, giving him permission to keep it as long as he required it, and requesting him to send it back to Cairo whenever an opportunity presented itself.

Afterwards, at Jerusalem, I obtained leave from the Archi-

[1] This work (six volumes, octavo) was published in 1871-76 by Trübner.—W. J. B.

mandrite Porphyrius to copy some extracts which he had made from the second and third books; but if the war had not prevented me I had intended to return to Egypt by Georgia and Southern Russia and then up the Volga, in order that I might both see the manuscript in the hands of M. Mouravieff, and also perhaps obtain permission to examine other unpublished documents concerning the trial of Nicon which are still preserved in Russia. In Egypt I went up the Nile as far as the first cataracts, and finding that the proper names of the kings upon the monuments are extremely easy to make out, I became immensely interested in them, and I even venture to think that I was able by chance to make a few discoveries which will be useful both for science and for religion. Whether this is so or not scholars will perhaps later on have occasion to judge. But supposing that I am not mistaken, it will be to the interest and affection which I had for the Patriarch Nicon (and partly also to the gout) that they will be indebted for my discoveries.

From Cairo I went by Mount Sinai to Jerusalem, where, notwithstanding the war, I stayed for some time with the Russian Archimandrite; and afterwards at Athens I succeeded in translating into modern Greek and printing my *Dissertations upon the Orthodox or Eastern Church*, of which I think I sent you a copy in English. After having been for a last visit to Constantinople, where the Patriarch with his Synod pretended to be ignorant of the custom of the Russian Church (which indeed is the sole canonical custom, for the Greeks no less than for the Russians) of receiving Latins into the Orthodox Church without rebaptizing them, I made a short journey into Asia Minor in order to see the Churches of Smyrna and Philadelphia (especially the latter); the two Churches out of the seven of the Apocalypse which, having alone received praises and promises from our Saviour without any admixture of blame or warning, are also the only ones which have been preserved down to the present time amidst the ruins of the five others. At Philadelphia I experienced for myself that the charity, the type of which this Church is chosen to bear, is still preserved there and shows itself in a very touching manner. As for the idea which I had in my mind in going there—namely, there to make a last

attempt to be received into the Orthodox Church as a proselyte without being rebaptized,—it gave occasion to an interview of a most comical description with the Bishop. It was from Philadelphia, externally the feeblest and poorest, but mystically the most honourable of all the Churches, that I turned myself towards Rome—the greatest and most puissant of all the Churches. On my way thither I passed through Corfu, and found that there they had more or less changed their tone on the subject of the rebaptizing of Latins since my last visit there in 1852. At that time they pretended to act by economy, by a spirit of abuse which it was difficult to justify in the presence of the great Church of Constantinople —in short, through fear of the English, just as in former days, when they admitted proselytes without rebaptizing them, they pretended that it was because of their fear of the Venetians. But in 1854 they had just republished the text of the Council held in the fifteenth century upon the acts of which the Patriarch Macarius of Antioch and the Patriarch Nicon insisted when they were engaged in Russia in correcting the abusive custom of rebaptizing, which had been introduced under the Patriarch Philaret;[1] also in 1854 they took their stand at Corfu on this Council, and were rather proud of having preserved the ancient canonical custom which the Patriarchal decrees of the eighteenth century alone were unable to abrogate.

Having arrived at Rome, and having been persuaded by some very enthusiastic friends of mine to make a retreat, I came into connection with a very distinguished theologian, Father Passaglia, who informed me of an "opinion" which I had never thought of, and which served to facilitate my conviction,—namely, that having, as I had, Greek rather than Latin convictions upon certain important points of controversy, I could all the same be received into the Roman Catholic Communion by merely suspending my private judgment and by making up my mind to affirm nothing contrary to the known dogmas of the Roman Church, nor to entertain by

[1] Philaret Romanoff, third Patriarch of Moscow, A.D. 1621-33, and father of the Tzar Michael, the father of Alexis and grandfather of Peter the Great. Nicon was Patriarch A.D. 1653-67.—W. J. B.

preference any such thoughts. Accordingly I followed his advice, for it seemed to me neither right nor justifiable, with the sins of my past life on my soul, and persuaded as I was long since that it was impossible to defend the Anglican Church, to pass all my life in studying, and even to some extent *judging*, all Churches, without belonging in God's sight to any one of them. My Roman Catholic friends, themselves proselytes for the most part, predicted to me in a tone of absolute assurance that my singular partiality for the Russian and Eastern Church would cease all in a moment, when once I should become a Catholic, and that my understanding would be fully enlightened, so as to know and recognise the true orthodoxy upon all points. As a matter of fact, I am very glad to think that I never allowed myself to be carried away by their promises, and accordingly I have not been disappointed. I have obtained from the step which I resolved upon a real peace and a religious position which I am able to defend; but, as for my intellectual position, it has remained almost without change; only in respect to the Roman See and, in general, in respect to general arguments favourable to the pretensions of Catholicism, I find it much more agreeable to be on the side of the stronger, rather than on that of the less strong.[1] As to the great theological question which divides the Orientals from

[1] As this is the most important portion of the letter, I give the original French as Mr. Palmer wrote it :—

"Quant à l'idée que j'avais en y allant, d'y faire une dernière tentative pour être reçu comme prosélyte sans être rebaptisé, elle a donné lieu à une conférence avec l'Évêque, qui était une des plus comique. C'est de Philadelphie, la plus faible et la plus pauvre extérieurement, mais mystiquement la plus honorable de toutes les églises, que je me suis tourné vers Rome—la plus grande et la plus puissante de toutes les églises : et en passant par Corfou j'ai trouvé qu'on avait changé plus ou moins de ton, etc. . . .

"Arrivé à Rome, et ayant été persuadé par quelques amis très zélés à faire une retraite, je suis venu en rapport avec un théologien fort distingué (le père Passaglia) qui m'a annoncé une opinion inattendue qui servait à faciliter ma conviction, c'est à dire, qu'ayant, comme je les avais, des convictions grecques plutôt que latines sur certains points de controverse importants, je pouvais néanmoins être reçu à

the Latins, if I thought myself free to dictate a private opinion of my own to others, I should support, as I did before, the theology—or better to say, the phraseology—of the Greeks, as being the most ancient, and in itself quite sufficient. But I am fully persuaded by general considerations, that there must be some way of reconciling and uniting the two formulas of the Greeks and Latins which seem to contradict each other: and although I dare not think that I have as yet discovered the solution of this question, I have nothing better to wish than to pass the rest of my life in studying it; and if it pleased God

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la communion Catholique Romaine en faisant seulement suspens de mon jugement privé, en me déterminant de ne rien affirmer de contraire aux dogmes connus de l'église romaine, ni d'entretenir de préférence de pareilles pensées. Ainsi j'ai suivi son avis, ne le trouvant pas convenable, ni justifiable, avec les péchés de ma vie passée sur mon âme, et convaincu depuis longtemps que l'église Anglicane n'était pas à défendre, de passer toute ma vie à étudier et à *juger* même de quelque manière toutes les églises sans appartenir à aucune d'elles. Mes amis catholiques romains, prosélytes la plupart eux-mêmes, me prédirent avec un ton d'assurance absolue que ma partialité singulière et aveugle pour l'église Russe et Orientale cesserait tout d'un coup aussitôt que je serais catholique, et que mon entendement serait pleinement éclairé pour reconnaître en toute chose la vraie orthodoxie. Quant au fait, je suis très heureux de penser que je ne me suis jamais laissé entraîner à leurs promesses: ainsi je n'en ai pas été désappointé. J'ai obtenu de ma conviction ce que j'espérais, une paix solide, et une position religieuse que je puisse raisonablement défendre; mais pour l'entendement, il est demeuré presque sans changement; seulement par rapport au siège Romain, et en général, par rapport aux arguments généraux favorables aux prétentions du catholicisme, je trouve qu'il est beaucoup plus agréable de se trouver du côté du plus fort que de celui du moins fort. Quant à la grande question théologique qui divise les Orientaux et les Russes des Latins, si je me croyais libre de dicter aux autres une opinion particulière, je soutiendrais comme auparavant la théologie, c. à. d. la phraséologie grecque comme étant la plus ancienne et en elle-même suffisante. Mais je suis pleinement convaincu par les considérations générales, qu'il doit exister quelque manière de concilier et unir les deux formules des Grecs et des Latins qui semblent se contredire: etc. . . ."

to allow me of His grace to serve as His instrument for advancing the cause of unity, however little, in this respect, I shall say my *Nunc Dimittis* with tears of joy and gratitude. For after all (although God has no need of us) it is both natural and part of our duty to desire to do something in His service, and not to eat and drink and live in abundance quite uselessly all one's life, while so many of the poor, who till the land with their hands, make hardly enough to live upon.

. . . . . .

But I have already written more than enough to weary at least your eyes, and so I shall end by begging you to give my kindest remembrances to Mme. de Potemkin, and also, according to the degree of our friendship, to all of those whose acquaintance I made and who have not forgotten me, nor bear me a grudge on account of my change of religion. I will mention more especially M. Noroff, M. Wagner, and, amongst ecclesiastics, the Metropolitan Philaret of Moscow, and Archbishop Philaret of Kharkoff, whenever you happen to have occasion to see or write to them: always praying that you might be able to do something (something however small) to diminish and abate the scandal and the division which it has taken more than two centuries to ripen, and which consequently we cannot hope to see disappear all at once and in one day.[1] I am always, my dear Count Tolstoi, with much friendship and affection, your most humble and obedient servant in Jesus Christ,

WILLIAM PALMER.

[1] For Mr. Palmer's views with regard to the events which took place in Russia in the seventeenth century, see his *Dissertations upon the Orthodox Communion* (Masters, 1853), No. v., headed "Destinies of the Slavonic Empire,—Probation and Failure of the Tzar Alexis Michaelovitch, with the Nobility and Hierarchy of Russia, in the seventeenth century." The "division" to which he here refers is the *Raskol*, or schism of the Old Believers, which, although it began before the fall of Nicon, would probably have disappeared had it not been for the changes after his disgrace, and under Peter the Great.—W. J. B.

CHAPTER XLII

OXFORD REFORM

1854

THREE times during the course of my public life (in 1854, 1861, and 1868), the honour of representing the University of Oxford in Parliament seemed to come near me,—but each time the cup was dashed from the lip.

On the death of Sir Robert Inglis, in January 1854, a meeting of Oxford residents, with Robert Hussey, Regius Professor of Ecclesiastical History, at their head, passed a resolution inviting me to fill the vacancy; and Lake, now Dean of Durham, came to London to communicate it to me. If anything had happened to prevent Sir William Heathcote from being brought forward, the invitation would have been most welcome. I went at once to Sir John Taylor Coleridge to inquire, and found (as I expected) that Sir William Heathcote was willing to stand, and that his friends would not hear of anybody else. They were, for the most part, my own friends also, as was Sir William himself, who was then out of

Parliament. His relations, both private and ecclesiastical, with Mr. Keble made it certain that the High Church party generally would support him; he was very fit for the place by station and character; and he had, in 1847, waived his pretensions in favour of Gladstone, though the effect was to give the whole representation of the University for the time to Christ Church,[1] contrary to the general custom and tradition of Oxford. If I had been willing to be brought forward in competition with him, I should have had no chance; and, if I might have had a chance, I should not have been willing. There was but one answer which it was possible to give, and I declined the invitation, with only that degree of disappointment which is inevitable when an object of reasonable ambition is set before a man under circumstances which make its acceptance impossible.[2]

Sir William Heathcote was, of course, elected. The time was a critical one for Oxford. The three preceding years had been occupied by the work of a Royal Commission appointed in 1850 to inquire into the University and Colleges, upon the report of which a Bill was introduced, on the 18th of March 1854, by Lord John Russell. Gladstone was then Chancellor of

[1] Sir Robert Inglis was also of Christ Church.

[2] Among the *Letters* of James Bowling Mozley, afterwards Regius Professor of Divinity (Rivingtons, 1885, p. 223), there is one dated 23rd January 1854, in which he says: "I am not altogether contented with Sir W. Heathcote, and should much have preferred Roundell Palmer. The residents, as a body, are in his favour. . . . . Roundell Palmer was formally asked to stand by a meeting of residents, and declined in deference to the known bias for Sir W. H. among his friends in London."

the Exchequer, and (being responsible, with the rest of his colleagues, for the Bill) his voice and vote, as member for the University, were to some extent neutralised. Sir William Heathcote supported the second reading, which, under those circumstances, passed without a division. I was free, except from such obligations as were imposed upon me by the oaths which I had taken when I became a Fellow of Magdalen; and I availed myself of that freedom in the debates upon the Bill.

To those Churchmen who loved the University, the position of the question (apart from oaths) was not without difficulty. It was impossible to be satisfied with things as they were, either from an intellectual or from an ecclesiastical point of view. To restore in the Colleges the semi-monastic system contemplated by the Founders, and to make them (as the Founders desired) seats of an energetic religious life as well as learning, may have been the dream of a few, as it was of James Robert Hope; but in the view of most of those to whom it might have been acceptable, if possible, it did not seem practicable. From the Reformation to the nineteenth century, Oxford produced from time to time many laborious students, and some really learned men, and had its periods of intellectual activity; but the general system was neither that intended by the Founders nor that which might seem desirable for the youth of the nation. In the latter direction a new movement set in about the beginning of the nineteenth century, under the influence chiefly of Cyril Jackson,

Dean of Christ Church; it was continued by Copleston, Provost of Oriel, Parsons, Master of Balliol and Bishop of Peterborough, and others. The public examinations of the University became more and more important; but of the Colleges, those which effectually shook off the laxity and lethargy of the former time were few. The University, under Archbishop Laud's Statutes, was too much identified with the Colleges; and in them, the appointment to places upon the Foundation was in most cases a matter of patronage, depending upon the accident of a man's birthplace, rather than upon any test of merit, or even of poverty combined with promise, for which the local preferences found in most Statutes were probably meant to provide. The Fellowships were held, with few exceptions, on the condition of taking Holy Orders when of sufficient age, and were then tenable for life. It was with a view to the benefit of the Church, and to promote theological learning, that this condition was imposed; but the most zealous Churchmen might doubt whether in its practical working it answered those ends. Of the Fellows who remained in the University after taking orders, only a small proportion did any Collegiate or Academical work appropriate to their profession; the rest were seldom diligent students, either of theology or of anything else; they grew old, waiting for livings, and lounging about the common-rooms; and when at last they took livings, they had too often ceased to be (if they ever were) fit for the duties of parish priests.

I had myself been sensible, from a time as early as my election to Magdalen in 1834, of the need of reforms; and I have already mentioned a correspondence, not to say controversy, which I had with my brother William in 1837, when the University was first threatened with Parliamentary inquiry, in which I maintained the duty of submitting to any changes which might be made by the Legislature as of higher obligation than the Statutes of Founders, and not superseded, or capable of being superseded, by oaths taken in obedience to those Statutes. But from voluntary action on my own part, to obtain from the Legislature alterations in the Statutes of my own College, I felt precluded by those oaths. Several friends urged me to take a leading part on the question; but that difficulty always stood in the way. I was unwilling also to give up the hope that other Colleges, and by degrees all, might do for themselves what some (such as Oriel, Balliol, Corpus, and Trinity) had already done; and I disliked extraneous interference, not knowing where it might stop, and looking upon a large measure of independence as necessary to enable such institutions to do the good of which they were capable. Goldwin Smith urged, on the other side, that in some Colleges (as, for example, Queen's) lapse of time had made things worse, not better.

Do not facts show (he wrote on the 29th of September 1848) that you are rather sanguine in your expectations of internal reform at Oxford? You mention Johnson[1] as a man

[1] Fellow and Tutor of Queen's College, afterwards Dean of Wells (my private tutor in 1833).

who might do something towards it. Now look at his fate. With more than Sisyphean labour, he rolls the stone up hill for fifteen years. A personal intrigue (it was nothing more or less) rolls it down again for fifty, crushing all his hopes and aspirations by the way. And he was the heir of a party headed by Collinson, the late Provost, which apparently had failed as completely, and left nothing behind them but a minute in Collinson's handwriting against the folly and injustice of the existing system,—a bubble upon the water, just showing where the party was drowned. But the fact is, no progress has been made anywhere, and, as you say, the tendency is to close rather than to open. What I want to know is, why, if the interests of education and those of the Fellows of close Colleges are incompatible, the latter are as a matter of course to be preferred? What bad consequences would result if some unlucky miscarriage, such as you apprehend from the intervention of a Whig Government, did take place, and the close Colleges were all sent to the monasteries to-morrow? You see I am rather *rouge*, as I always have been about reform at Oxford. But I am not likely to have anything to do with the matter, and if I have, I shall be discreet.

He wrote me other letters, when Mr. Heywood's motion for the Royal Commission was impending, in 1850; saying that

he thought in half an hour's talk, with the Statutes of Magdalen before him, he might in some degree alter my views about the oaths, by showing how completely we had all absolved ourselves from them as against ourselves, leaving them in force only against the public.—As to the clerical order (he said in another letter), to hate them would be to hate men whom I regard as the guides of my life. But their exclusive ascendency here is, and is felt by some of the best of themselves to be, an evil both to the University and to themselves. It is so, I think, generally; but it is so especially now, when the most intelligent and thoughtful of the men, and those whom it is most desirable to retain among us, are shrinking from taking Orders. As to holding the mind of the place by any artificial ascendency of

the clergy, it seems to me hardly possible. Frank Newman teaches here as freely and effectually as if he was Regius Professor. And, if such ascendency is attempted and fails, it fails ruinously.

Jowett and Arthur Stanley pressed me to take up the question at the end of 1848 or 1849. But I answered that I could not overcome the impediment occasioned by the oaths which I had taken to any voluntary step on my own part to procure an alteration of the Statutes of my own College; and that, if I took charge of the general question in Parliament, it would be manifestly impossible to make my own College—which suffered at least as much as any other from the close system imposed by its Statutes—an exception to reforms which might be proper elsewhere. I could not, in reason or conscience, regard the oaths as idle and profane forms, from which I could dispense myself universally, because on some points the Statutes could not be observed without disobedience to law, nor on some others without sacrificing the main objects of the Foundation to trivial and obsolete matters of detail. Parliament would, I thought, be well within its rights, if it put an end to the administration of such oaths, unsolicited by those who had taken them; but unless Parliament, by compulsory legislation, imposed upon those who had taken them the obligation of obedience to a higher law, inconsistent with the Founder's Statutes, I thought they could not absolve themselves.

The Government of 1850 was not ignorant of the state of opinion prevailing among the most active men

of the younger generation, then rising to power in Oxford. When Mr. Heywood made his motion on the 23rd of April, Lord John Russell took the House by surprise, by announcing that a Royal Commission would be issued. The debate was, at my instance, adjourned, that the new situation, so created, might be considered. When it was resumed, those who were dissatisfied with the course taken, and doubtful of its results under a Government in which they did not feel confidence, stated their objections. Mr. Gladstone endorsed a view put forward in a pamphlet published by a Mr. Toulmin Smith, and insisted upon in the House by Stuart (member for Newark, and soon afterwards Vice-Chancellor), that Royal Commissions of that kind were against the spirit of the constitution. It was replied that the Commission would neither possess nor claim compulsory powers, but would only collect information freely given, and report opinions. I objected that it would not be possible to legislate satisfactorily upon evidence so obtained by a Commission which could only invite those who were dissatisfied, and who had changes to propose, to go before them and make complaints. Such complaints, and the probable effect of the proposed remedies, would require sifting; for which purpose the assistance of those whose attachment to the University was most unquestionable, and whose experience was the greatest, would be needed. But of these, many would be prevented by scruples of conscience from coming forward to give evidence voluntarily before the Commissioners. As far as the

University was concerned, it could, without any aid from Parliament, enlarge its borders by repealing those Statutes of Archbishop Laud which prevented the matriculation of any student who did not belong to one of the existing Colleges or Halls; what was wanted for that purpose was a state of public opinion which did not as yet exist. As to the Colleges, some respect ought to be shown to the intentions of Founders, when there was nothing to prevent their being acted upon in a reasonable way; they ought not to be set aside merely because it might be thought possible to devise something better. To sweep away such preferences as those by which Colleges and great schools which had the same Founder were connected together, would be destruction, not reform; and, in other cases, it was not really the intention of Founders that preferences should be absolute, without reference to any standard of merit,—all Colleges might, in that respect, do for themselves what some had already done; and the visitors, their proper judges, would no doubt support them in it. I added that I believed any abuses which might exist to have arisen from customs adverse to the intentions of the Founders, rather than from their Statutes; and that the main mischief was the abeyance into which the power of Visitation, except when invoked by way of appeal, had been allowed to fall. This might be corrected without Parliamentary interference.

These arguments did not prevail. The Commission was issued; and among the Commissioners were

men whose names commanded respect.[1] They succeeded in obtaining from most quarters the information which they sought. Their Report commended itself to the greater number of those who, in a spirit loyal and friendly to the University, thought some Parliamentary interference necessary. It was carefully considered and criticised by a committee of the Heads of Houses, and by an association of tutors of the University. When the Bill founded upon it was introduced, and the Convocation of the University was called together to petition against it, it did so by a majority of two only; which, considering the Conservative, and to a large extent clerical, constitution of that body, threw its moral weight into the reforming scale. The Government was changed; and in the new Government Gladstone's influence was powerful. Under these circumstances the Second Reading passed unopposed.

In the later stages of that measure two questions of principle arose. The Bill contained no saving in favour of schools connected with Colleges; and there was nothing in it as to religious tests, or for the admission of Dissenters to the University. Upon the former of those subjects I moved in Committee, and carried against the Government, a clause enabling the Governing Body of any school having a privilege or right of preference, as to places on the Foundation of

[1] Particularly Tait, Jeune, and Johnson (afterwards Archbishop of Canterbury, Bishop of Peterborough, and Dean of Wells); and Liddell, then Headmaster of Westminster School, afterwards Dean of Christ Church. They were singularly happy in their secretaries, Arthur Stanley and Goldwin Smith.

a College, to put a *veto* on any regulation or ordinance for its abolition by a two-thirds majority. The case which I chiefly had in view was that of New College and Winchester, in which, as a Wykehamist, I took great interest; and I was able to show from the annals of New College, that as long as the Fellows of New College, elected as they were exclusively from Winchester, were on equal terms with those of other Colleges, no College had been more distinguished, or perhaps equally distinguished in proportion to its numbers, whether tried by the test of University prizes, or by that of eminence in after life, especially in the service of the Church. If, during the earlier part of the present century, such a comparison might have been less in their favour, this was due to a privilege of exemption from University examinations, which became injurious to them when those examinations were tests of merit, opening the way to honours; and which, after some experience of that mischief, they had wisely renounced. Besides Winchester, there were other schools connected with particular colleges — Westminster with Christ Church, and Merchant Taylors' with St. John's; and a few others of less importance, which furnished my opponents with their principal arguments. In the House of Lords some qualifications were introduced into my clause by the Government, which I thought unnecessary and undesirable, though they did not prevent it from still operating as a valuable safeguard. I endeavoured to induce Lord Derby, the Chancellor of the University, to resist them; but the

attractions of Newmarket clashed on that occasion with those of Oxford, and made it inconvenient to Lord Derby[1] to prolong the discussion in the House of Lords beyond a single night, which was chiefly occupied by topics of wider range. I was unable to persuade the House of Commons to disagree with the Lords' amendment; the matter had, no doubt, been arranged as a compromise between the leaders of parties.

The other question, as to the abolition of tests and subscriptions, with a view to the admission of Dissenters to the University, was brought forward in the House of Commons by Mr. Heywood on the 22nd of June. The subject had been left out of the Bill, doubtless because the Ministry was not of one mind about it; but Lord John Russell and the Whigs would probably have cared little about any measure of University Reform which did not deal with that question; and it was, no doubt, understood that Mr. Heywood, or some other independent member, would give the House an opportunity of supplying the omission. Mr. Gladstone contended, not so much against the principle of Mr. Heywood's motion, as for a separate treatment of the subject; but that argument (if it might otherwise have had weight) was defeated by Lord Stanley, who supported the motion from the Conservative Benches, intimating significantly that this was the proper time, and that, if the House

[1] I was then first brought into personal communication with Lord Derby, and was disappointed at his apparent unconcern about the whole matter.

agreed to the motion, they need not be afraid of the House of Lords. His father, then supreme in the House of Lords as well as Chancellor of the University, had been in his Whig days a strenuous advocate of the same proposal.

I had myself no love for the particular test of the Thirty-nine Articles, as applied to lads of eighteen or nineteen, fresh from school, or indeed as applied to anybody; nor did I undertake its defence. But I could not help knowing, that on the part of the very young it meant, practically, not assent to dogma, but submission to authority; and that in all cases its effect was to place under restraint in the University tendencies of opinion which might otherwise have been at open war with the Church, not to say with Christianity. This, as a Christian and a Churchman, I could not but regard as a positive good, not to be surrendered because the particular means by which it was obtained might not be theoretically the best. I had no unwillingness to confer upon Dissenters any benefit which they could receive without detriment to the University and the Church; but I could not accept the argument that, because the Universities were national, they should cease to be connected with the national Church, as they had been at all periods of their history, deriving from that connection most of their Foundations and emoluments. I thought that connection a public benefit, offering as it did to the clergy of the Church a liberal education, with powerful safeguards for those religious influences, without which it might be useless to them, or worse.

To convert the Universities into places of mere secular learning would be to destroy their present uses and character. The Bill recognised and proposed to maintain them as places of religion as well as learning. Lord Stanley proposed now to admit Dissenters to the University, but not to any share in its endowments, or in those of the Colleges. That was a short-sighted view, not shared by Mr. Heywood, or by other consistent advocates of the principle. They did not, as yet, ask for all that their principle involved; but they said, "We *claim* it all, —first, admission to the University; then degrees; then a share in the government; and then in the emoluments." Whatever was done now would be pushed to its consequences afterwards. Was worship in the chapels to be given up? Was all authoritative religious teaching and all religious discipline to be got rid of? What was to be done with the Theological Faculty? Was that to be made "comprehensive" at last? The great majority of the Dissenters would receive no benefit from the change; it could not be supposed that, to those among them who were religious, a University without religion, animated by a secular spirit, and where they would be few in a multitude not trained like themselves, would offer any attraction.

These were my reasons for opposing, as I did, Mr. Heywood's motion. If all my apprehensions as to its consequences have not been realised, some of them certainly have; nor can any man say with confidence what may be still to come. That the Universities

should have become, to any extent, battlefields between belief and unbelief, that in such places of education public authority should be neutral between those forces, and the authority (direct or indirect) of University or College teachers sometimes used on the side of unbelief, must be confessed (except by unbelievers) to be a grave drawback upon any intellectual or other benefits which have resulted from the changes begun in 1854, and since, by successive steps, further extended. I have never regretted the part which I took in 1854. But Mr. Heywood's motion was carried by a large majority; and Lord Stanley was a true prophet, when he intimated that the vote would not be reversed in the House of Lords.

CHAPTER XLIII

LORD CHEWTON

1816–1854

My brother-in-law, William Frederick Viscount Chewton, was one of the British officers lost to their country at the battle of the Alma, in September 1854. He was then thirty-eight years old, having been born at Cardington in Bedfordshire on the 29th of June 1816:—a man of powerful frame, frank disposition, and strong affections, who had gone through many adventures by sea and land.

Having been four years at Cheam School, under Dr. Mayo, he went to sea in 1829 as a midshipman in his father's ship, the *Seringapatam*, ordered to join the Admiral in command upon the American Pacific Station. During that service Captain Waldegrave was sent on a special mission to the Society and Friendly Islands, and visited Easter and Pitcairn's Islands, Otaheite, the Marquesas, and the Tonga group. At Vavao, the northernmost of the Friendly Islands, and the last which the *Seringapatam* visited, the boy's courage was put to the proof. The chief

could not be persuaded that the purpose of the visit was friendly, and Captain Waldegrave, to reassure him, offered to spend a night with him on shore. But the savage, not content with this, took pains to find out what there was on board the ship which the captain cared for most. On learning that his eldest son was there, he insisted that the boy should come as a hostage with his father, to which Captain Waldegrave agreed. At night the other Englishmen of the party were lodged in a tent; but the chief separated young Waldegrave from his father, and brought him into his own habitation; placing him there upon a mat between himself and his favourite wife, laying his hand upon the boy's throat as a hint of what might happen if anything went wrong, and shaking him several times in the course of the night to see whether he slept; which he did, as soundly as such interruptions would allow.

His health was not then so strong as in later years; and his father thought that the sea was not his vocation. Captain Waldegrave, being then in chief command on the station, and wishing to take that opportunity of sending his son home to England, transferred him to the *Thetis* as midshipman, and appointed his own first lieutenant to command that vessel, the captain (Captain Bingham) having been drowned in the Guayaquil River. The *Thetis* sailed for Rio on the 18th of September, with a large sum in specie which had been placed in Captain Waldegrave's charge for remittance home, and with valuable botanical and other collections made during the

cruise of the *Seringapatam* among the South Sea Islands. She left Rio on Friday the 4th of December; and on the following Sunday went upon the rocks of Cape Frio in a thick fog, and was totally lost. Sixteen persons (among whom were a son of Captain Bingham, and four seamen of the *Seringapatam* whom Captain Waldegrave was sending home) perished in the wreck.

The following narrative is in the midshipman's own words, partly as noted down by his mother, and partly taken from an account of the shipwreck which he wrote in 1833 for his aunt Mrs. Shaw-Lefevre, afterwards Lady Eversley:—

I was in my hammock at the time when the ship struck. The scream, when she first struck, was dreadful; then a dead silence, only interrupted by the groans of those who had been wounded by the fall of the masts. I remembered that the carronades were on a different principle from those in the *Seringapatam*, and would not capsize. I therefore crept under a gun, and advised some men near me to do the same. I got as near the muzzle of the gun as I could, because, if the mast fell on the end, I knew it must ram up the muzzle, and I should be safe. It was a moment of awful suspense, no one knowing what direction the falling masts might take. Three horrid crashes; and then quite silent. I looked up, and saw the wreck of the masts upon the decks, some of the rigging keeping me down. When I had disentangled myself, I got a lantern; and (an order being given that, if there were any killed by the masts, the bodies should be thrown overboard) saw a man lying to all appearance dead, with the maintop resting partially on his head. The main weight was supported otherwise, or he must have been smashed. Got two men to help me, succeeded in getting him from under; the corpse jumped up, singing, out of his senses, but soon came round. Some jury sails were set on the stumps of the masts, and she was coming off the shore, when

the anchor was let go; it brought the ship up directly, but slipped. The counter now knocked upon the rocks, till she made a good deal of water, during which many officers and men jumped ashore. The cable being let go, the ship floated round into a cove, and sunk; ultimately leaving only the larboard bulwark of the forecastle above water, to which everybody now clung. Those already on shore came round, and caught a hawser thrown from the ship, but soon let it go. An attempt was now made to throw a hawser by means of iron pins, but it did not reach. Mr. Geach, the boatswain, said: "I am taller and stronger, I will try." We watched with anxiety, and every now and then thought it was caught. A cry was raised, "They have it." "No; it has missed." Then we could hear it come back again, clank, clank, clank, down the rocks. At last Mr. Geach succeeded. Before his successful cast, the pins many a time clattered and clinked as they fell along the rock. It was awful, the sea sweeping over us every other minute. The captain proposed making a raft. Mr. Otway, the first lieutenant, said: "There goes my jacket, now see what will become of it." It was washed instantly up against the rocks. The crew got some spars, and began tacking them together. They were washed over, and in a few minutes they were nearly reduced to a pulp. . . . Geach gallantly took his post upon the stump of the bowsprit; and, with no other help than what his legs afforded him, fastened nearly all the remainder of the crew, one at a time, to the rope, so that we all thus escaped. I held on by the forecastle with one hand, the first lieutenant Mr. Otway on my lap, and I supporting him with the other; so that I was very tired when my turn came to be put upon the rope. I held on by the hands at first, but soon let fall, and called out to them not to haul me up too quick. Mr. Geach held on by his legs only, cheering the men. I jumped, with the rope fast to me; but the wave did not carry me far enough up the rock; so I was dragged up and scratched greatly. When I got on shore, I found that the ledge held just twenty people, and, when I had stayed a few minutes, I was pulled up to another ledge, where we all passed the night. No one was allowed to go to sleep, as it was so steep that, if any one fell, many must go with him. When it became light we scrambled up to the top, and soon

reached habitations, and remained there till other ships came to our aid.

The time from the first striking of the *Thetis* till she sank was about four hours; she sank at midnight. Everything was lost, except the clothes which those who escaped had on their backs. The people on whose hospitality they had to throw themselves were little better than savages, and it was not without difficulty, and some clever management, in which young Waldegrave was found useful, that the necessaries of life were procured. He obtained a passage in H.M. ship *Druid* to England, arriving at Portsmouth on the 6th of March 1831. In the letter to his father in which he described his shipwreck, he said he was more attached to the sea than before.

After spending four years with a succession of private tutors, he went, in October 1835, to Trinity College, Cambridge; but to the studies of the University he did not take kindly; and after a residence there of less than two years he went, with the consent of his parents, to Canada.

Mr. Edward Ellice, who had married Mrs. Waldegrave's aunt (a sister of Charles Earl Grey, the Premier of 1831), was not only a man of influence in the political world, but was also the owner of very large estates in British North America, of which a seignory of great extent in Lower Canada, called Beauharnois, was part. It may have been for that reason,—certainly it cannot have been for any of his personal qualities,—that he obtained the *sobriquet* of "the Bear," by which he was commonly known. To

the Waldegrave family, and for their sakes to myself after my marriage, he (and his son after him) were most kind and always hospitable friends. Captain Waldegrave consulted Mr. Ellice as to his son's wish to go to Canada, and he promised to befriend him — no young man proposing to try a settler's life in Canada could have done so with better chances. Mr. Ellice advised that he should not (as many do) assume this to be his real vocation in life, or risk his own or his friends' money in it, before he had some experience of its true conditions and nature; and he offered, in the meantime, to place him under the care of Mr. Brown, his own manager at Beauharnois. The offer was accepted, and William Frederick arrived at Beauharnois at the end of July 1837. From that centre he visited many parts both of Lower and of Upper Canada, and of the adjoining territories of the United States; with the result, that the prospect of gaining independence by a settler's life seemed less promising than when he went out. But in the public events, which happened about the same time, he took a keen interest. The Canadians of French origin had been for some time disaffected; they now broke out into open rebellion. The Loyalists had to organise their defence as best they could; a corps of "Loyal Volunteers," 500 strong, was formed at Beauharnois, in which William Frederick enrolled himself as one of the staff. On the 13th of December 1837 he performed his first military service, which was to bring across a ferry at the head of the Rapids of Lachine, nine miles below Montreal, 1000 stand of arms and

20,000 rounds of ammunition; which the rebels, reported to be 1000 strong, were advancing to seize. This he did with energy and success.

The rebellion was crushed by the end of the same, or early in the next year; but its embers were smouldering, and it seemed likely soon to burst out again. William Frederick had begun to find his real vocation, and wrote to his father from Montreal on the 31st of December, that he had gone there to see if he could get from the Governor, Sir John Colborne, a commission in a permanent paid corps; "which" (he said), "if formed into a colonial regiment, will be a good thing for me, as it will allow me to change into the Line without purchase." He had just been chosen captain of a new troop of volunteer cavalry, formed on the Chateauguay River.

In February 1838 things looked more quiet; there was no immediate prospect of the formation of a colonial regiment, and his thoughts turned again towards farming. His father authorised Mr. Brown to advance the money necessary for any suitable purchase of land, and they went together to the eastern townships to look out for what was wanted. "So I hope" (he wrote) "that by this time month I shall be hard at work on my farm. I have all the enthusiasm still about me that I had, although not the same splendid expectations." A hundred and eight acres were bought, at a place called Gould, on which a rough log shanty was soon run up. He took possession of it in August 1838; when, writing in very good spirits, he described his establishment as

consisting of himself, a man, two horses, a waggon, a dog and puppy, a cock and two hens, a pig, and a tortoise,—with the occasional excitement of a visit from a bear.

From these pursuits he was roused on the 8th of November 1838 by the news of another insurrection. The Seignory house at Beauharnois had been attacked and burnt down; the local volunteers were overpowered and disarmed. Mr. Ellice's only son, with his wife and her sister, were there at the time; the ladies found refuge with the priest, the men were taken prisoners, and kept for two or three days at Chateauguay. Thence they were being marched to Napiersville, the headquarters of the rebel army, when their captors heard that the main body of that army had been defeated and dispersed; on which they fled, leaving their prisoners free. When William Frederick heard the bad news (without its sequel), the shanty at Gould, with all that it contained, was forgotten, and its owner set out for headquarters. It took him a week to reach Beauharnois; by which time his friends were safe in Montreal.

Oh! what a scene! he wrote:—The place was smoking ruins and blackened walls; every now and then a fresh blaze arose; and the few houses that were left standing crammed with troops, or with the Glengarry Highlanders, who are as dirty and disorderly as any Indians. Not a soul that spoke French in the streets, the roads well filled with carts loaded with stores or plunder.

The rest of the story of his life in Canada is soon told. He raised a troop of horse, fifty strong, which after helping to extinguish the remains of

the second insurrection, was organised and placed on pay, under the title of the "Huntingdon Volunteers," afterwards changed to the "Huntingdon Frontier Cavalry." In this he had a lieutenant's commission. He performed his military duties well, and obtained the goodwill of persons of influence,—among others, of Lord Sydenham, then Governor-General of Canada. Sir John Eustace, an officer in the Guards who had been serving there, carried home to his family and friends in England a very favourable report of him, as "a fine, handsome young man, whom it would be a great pity not to keep in the Army." In 1841 a "Royal Canadian Regiment" was formed as part of the regular British army, in which he was, on the 23rd July 1841, appointed to an ensigncy without purchase. The farm in the eastern townships was, without difficulty, disposed of; its owner had now entered on his proper career.

He remained in the Royal Canadian Regiment for two years, during which, on the 1st of March 1843, his mother died in England. Canada no longer offered opportunities for active service, and he was impatient of inaction. In July 1843 he enclosed, under cover to his father, a letter to Lord Fitzroy Somerset, asking to be transferred to some regiment on active service. "Climate and country," he said, "are indifferent to me, but I am thoroughly tired of this life of inactivity." His father seconded his wish, and arranged for him an exchange into the 3rd Buffs, and the purchase of a lieutenancy. He was gazetted to his new regiment on the 25th of

August 1843, and was ordered home to England in charge of troops.

Not many months after his return he was again at sea, on his way to India. In February 1844 a list was sent round to the lieutenants at Chatham, to ascertain which of them were willing to go to India by New South Wales. He was among those who offered; and he was sent on board a merchant ship chartered for the purpose, in command of two detachments of soldiers, and in charge of a large number of convicts. He wrote to his eldest sister during the voyage that the prisoners were quiet, and the soldiers (it was the middle of June) "tamed rather, at last."

They have done me, he said, more good than I could have believed possible. I have had to do everything myself, down to the most minute things; and the consequence is, that I have learned more of my duty in the last two months than I have done in the last four years. But I will never volunteer for a convict guard again. It is perfect slavery; if the prisoners were not a most quiet set, I should have no peace. My men are all raw recruits, who neither know their place nor how to take care of themselves. I have, however, five old soldiers; but they are too few to influence the rest; and it was not till I had thoroughly tired out one or two, and a quiet hint that I would take upon myself the responsibility of flogging, had been thrown out, that I could do anything with them.

After touching at Hobart Town, they arrived at Sydney, and he landed his convicts, the voyage from Woolwich to Sydney taking 114 days. Then he went on to Calcutta, arriving there before the middle of November. His regiment, the "Buffs," which had been serving in India, was ordered home; but he preferred remaining in India, and exchanged into the

53rd Infantry, which was coming out, and joined it at the end of that year. During the greater part of 1845 he was stationed at Cawnpore; and when the Sikh war was imminent, his regiment was ordered forward from that place; but he was himself left behind till the 5th of December in charge of the sick. Within a few days after that date the Sikh army crossed the Sutlej; and during that December the battles of Moodkee and Ferozeshah were fought. All the troops from Cawnpore were brought up to the seat of war as quickly as possible, by way of Delhi. At Kurnaul Lieutenant Waldegrave met the siege-train of the British Army on its way to Ferozepore, and was detained by the officers in charge of it to increase their escort. The convoy, which was seven miles in length, had to be transported through clouds of dust over heavy sandy roads by forced marches in the sun all day. Arriving at Bussean on the 30th of January 1846, they heard of the victory of Aliwal, gained two days before by Sir Harry Smith's force, of which the 53rd formed part; and Lieutenant Waldegrave was detached with a supply of ammunition to the field of battle, where, on the 1st of February, he rejoined the regiment.

The Sikhs were still strong in artillery, and behind intrenchments were extremely formidable. A large body of their best troops, under a Spanish officer of engineers, with seventy pieces of cannon, held a strongly-intrenched position near Sobraon, upon a flat alluvial plain on the left bank of the Sutlej, with the river immediately behind them, and a bridge of

boats uniting their camp with a considerable reserve on the opposite bank, whose guns commanded and flanked their field-works on the British side. In their front, on the same side of the river, was the British Army under the command of Sir Hugh Gough.

On the 10th of February, when the battle of Sobraon was fought, the 53rd Regiment was posted in the front line of the Third Division, forming the left wing of the British Army, close to and at the angle of the enemy's intrenched camp, where it rested down stream upon the Sutlej. This was the post of honour and danger, where after a preliminary cannonade, the assault was to begin. The seventh brigade, composed of the 53rd and 10th Foot, with two regiments of native infantry, under the command of Brigadier-General Stacey, led the attack; and though the fire kept up by the enemy was so hot that (in the words of the official despatch) "it seemed for some moments impossible that the intrenchments could be won under it, their persevering gallantry triumphed, and the whole army had the satisfaction of seeing them drive the Sikhs in confusion before them within the area of their encampment."

The battle began soon after daybreak, and was over by 11 A.M. The two foremost brigades suffered much; their aggregate loss was 616 killed and wounded, being more than a fourth of the whole loss of the British Army. Of those 616, 354 belonged to Stacey's brigade, and 121 to the 53rd Regiment.

Lieutenant Waldegrave bore himself as bravely as

his comrades, but was not hurt. In a letter to Colonel Campbell, who had been his commanding officer and friend in Canada, he described the assault in which he had been an actor, illustrating it by a well-drawn plan of the dispositions on both sides before the battle :—

At half-past nine the word was given, and we started straight for the batteries, in very good order, but over very heavy sand. But now the nine-pounder battery began to crash through the ranks; a ball came close to me, and, knocking over a man who fell on me, I went down; when another shot struck the ground close to me, and covered me with dirt. We were now ordered to double, when still a long way from the batteries, and we ran till we were quite done up with the heat. I was perfectly exhausted, when the sergeant-major came up to me, and gave me a drink from his bottle, taking one himself also. This quite refreshed me, although still out of breath; and we had just got into range for their grape, and fearfully it told. Their cavalry came out of the trenches, and some one ordered us to form square. The Colonel tried to prevent it, and only one wing formed square, but this threw us into confusion, and we had to retire about a hundred yards, when we deployed into line again, and, this giving us breathing time, we ran on again, and this time into the trenches. And then began a scene I shall never forget; but I was so excited that I hardly can clearly relate it. But the Sikhs were retiring in large column, about fifty yards from us, our musketry playing havoc into them. But they would not, if wounded, surrender and, if passed, shot any of our poor fellows they saw near them. . . . Others would rush forward, sword in hand, to attack us; but few of them reached us alive. We had now driven them down to the ford, and, as the artillery had destroyed their bridge, this was the only passage left, and here was a fearful slaughter. We had nearly 14,000 muskets playing away upon them, and the only idea you can form of it is to imagine the passage of the Borodino on the retreat from Moscow. Their men really retired beautifully:—the Spanish engineer officer marched one

battalion down to ford with their arms sloped, and then carried arms and marched into the river, as if on parade. He was shot soon after,—and a very good thing for us, as he was a very talented man, and one of the few Europeans still in their army. I had a race for a gun with some of our grenadiers, but some sepoys got it first. And thus ended the fiercest battle that had ever been fought in India with a disciplined army.

At the end of 1846, Lieutenant Waldegrave, decorated with the Sobraon medal, was sent home with a detachment of invalids belonging to his own and other regiments. After his father's accession to the peerage in September of that year, he was known as Viscount Chewton. His desire for active service continued; and in August 1847 he obtained a captain's commission in the 6th Foot, going for a short time to the West Indies, under an arrangement which his exchange made necessary. From February till September 1848 he was in Ireland; and then —to please his father rather than himself (for his preference would have been for a regiment of Lancers serving in India),—he exchanged from the Line into the Scots Fusilier Guards. He was always zealous for the honour of the Scots Fusilier Guards, and friendly with his brother officers; but he felt the loss of his accustomed employments. It was not merely that the periodical changes between Chichester, Windsor, and the Tower contrasted strongly with the recollections of Canada or India; but, under the system of the Household regiments, an officer of his rank had less to do with his men, and less responsibility for the routine of military duty, than in the Line. He liked the Line better to the last.

His domestic affections (which were very strong, though until now he had seldom the opportunity of indulging them, except from a distance) found, under these circumstances, free scope. He abounded in sympathy with his brothers and sisters; his little nephews and nieces were always sure of caressing notices from him; and on the 2nd of July 1850, he made a happy marriage with Frances, daughter of Captain John Bastard, R.N., of Sharpham in Devonshire, who for some time before his death in 1835 was member for Dartmouth. Her brother, Captain William Benjamin Bastard, had been his comrade and intimate friend in India. When the war with Russia broke out, he was a father as well as husband; his eldest son (now Earl Waldegrave) having been born on the 2nd of March 1851. A daughter was also born in May 1853; but she was taken from her parents when only seven months old.

CHAPTER XLIV

BATTLE OF THE ALMA—LORD CHEWTON'S LAST DAYS

1854

THE first battalion of the Scots Fusilier Guards formed part of Lord Raglan's army, but it was not till June 1854 that Lord Chewton was ordered to join it. On the 18th of July he reached Varna, and was in camp at Aladyn and Goeckler till the embarkation for the Crimea. Aladyn was a beautiful place, like an English park; but cholera and other diseases broke out there, and many died. The brigade of Guards lost at that time nearly 100 men, and 600 more were disabled by sickness. Lord Chewton suffered little, and only for a short time; but he used to sit and read with the cholera patients, and to do all that he could for them in other ways. When it became necessary to move to the place appointed for embarkation, their strength was so reduced, that, although the distance was only sixteen miles, they were obliged to do it in three marches, and to have their packs and blankets carried for them.

On the day when the army landed at Old Fort, between Eupatoria and Sebastopol, an incident oc-

curred, which Colonel Walker, one of the majors of the Scots Fusiliers, who related it to my wife, said was "but one of many things of the same kind."

The first battalion landed in the Crimea on the 14th September about noon. Previous to leaving Varna the troops had been suffering much from cholera, dysentery, etc., and various other cases occurred on board. It was absolutely necessary that every man capable of bearing arms should land; and therefore the sick were left to the care of the surgeon of the ship, who in the excitement appears to have neglected his charge. By order, no officer or man took with him on shore more than he could himself carry; therefore, when after some time it became apparent that the enemy were not disposed to annoy us, and the intention of our advance that day was relinquished, various officers returned to the ship to procure some little matters of comfort of which they stood in need. Among these was Lord Chewton. His first impulse on reaching the ship appears to have been to visit the sick bay. There he found a sight that horrified him—men in the last stage of disease, left to die without a being to care for them. The ostensible object of his visit was at once abandoned; he took off his coat, and with his own sponge washed these unfortunate men, performing the most menial offices for them; nor did he leave them until he had restored them to something like comfort, and took with him the blessing of all.

An independent witness, the Rev. Robert Halpin, attached as chaplain to the army, spoke of the same thing to a lady whom he met in Ireland. She made inquiries about different persons who had been in the Crimea; among others, about Lord Chewton, whose family she knew. "Ah!" he said, "I never can think of that remarkable young man without emotion. He crossed to Eupatoria with me; and, the night after the landing, we were obliged to reship numbers of the troops who had the cholera; and, as

I was going among the men, I found that noble young man with his coat off and his sleeves tucked up, kneeling before a poor cholera patient, and sponging him."

Lady Chewton wrote to my wife: "I could not talk of it, though I treasure it in my heart as the most precious of all his acts; and there is no one who saw him in that ship ministering to his sick soldiers, but will ever think of him with love."

The place of the Guards and Highlanders, constituting the First Division of the British army in the battle of the Alma on the 20th of September, may be best realised from Lord Raglan's description of the Russian position:—

The position crossed the great road, about two and a half miles from the sea, and is very strong by nature. The bold and almost precipitous range of heights, of from 350 to 400 feet, that from the sea closely border the left bank of the river, here ceases, and formed their Left; and, turning thence round a great amphitheatre or wide valley, terminates at a salient pinnacle, where their Right rested, and whence the descent to the plain was more gradual. The front was about two miles in extent. Across the mouth of this great opening is a lower ridge, at different heights varying from 60 to 150 feet, parallel to the river, and at distances from it of from 600 to 800 yards. . . . . The high pinnacle and ridge before alluded to were the key of the position, and consequently there the greatest preparations had been made for defence. Half-way down the height, and across its front, was a trench of the extent of some hundred yards, to afford cover against an advance up the main slope of the hill. On the right, and a little retired, was a powerful covered battery, armed with heavy guns, which flanked the whole of the right of the position. Artillery, at the same time, was posted at the points that best commanded the passage of the river, and its approaches generally. On the slopes of these hills, forming a sort of table-land, were placed dense masses of

the enemy's infantry; while on the heights above was his great reserve;—the whole amounting, it is supposed, to between 45,000 and 50,000 men.

The English Light Division, under Sir George Brown, supported by the First Division under the Duke of Cambridge, was appointed to lead the assault upon the key of this position, up that part of the hill described by Lord Raglan as an "amphitheatre." When the word was given, the Light Division crossed the river, and pressed up the hill over walls and through vineyards manned by Russian riflemen, under fire from the batteries and infantry above. The first brigade, consisting of the 23rd and two other regiments, succeeded in entering the principal work upon the ridge of the hill, which was called the "Half-Moon" Redoubt; but from this they were dislodged by a compact column of Russians descending upon them from the heights; and the 23rd Regiment, being ordered to fall back and re-form, retired, with the enemy pressing hotly upon them down the crest of the hill. In so doing, they broke through and caused some disorder in the ranks of the Guards, who had in the meantime crossed the stream, and were moving on to their support,—Coldstreams to the left, Grenadiers to the right, and Scots Fusiliers in the middle;—"as grand and calm in their order" (said an eye-witness) "as any sight ever witnessed on a field of battle. As they marched up the hill, the lines of the black bearskins were barely waving; they were nearly as straight as if on parade."[1] The

[1] *United Service Magazine.* 1854.

momentary check gave them breathing time for a second advance, more irresistible than the first, which decided the action. The colours of the Scots Fusiliers, borne by Lieutenants Lindsay[1] and Thistlethwayte, were pierced with 28 balls, and their staff broken; and, when the victory was won, the battalion had three sergeants and 18 rank and file lying dead, and 11 (out of 13) officers, 13 sergeants, and 137 rank and file, wounded on the field.

Lord Chewton was desperately wounded. Robert Legge, a private who attended him in the hospital at Scutari, told one of his sisters that his bravery was the talk of the field. And his commanding officer, Colonel Moncrieff, wrote to the mother of one of his comrades, Captain Dugdale Astley,[2] on the 31st of October, after his death:—"Poor Chewton behaved with the most determined gallantry. . . . It would be invidious, where all behaved so nobly, to select one, or particularise:—were this possible, one would have no difficulty in selecting my poor departed comrade."

Of his part in the action, his family heard from eye-witnesses many particulars.

The bank of the river, where he crossed it, was too steep for a man to climb alone, or assisted only by the hand. His soldier-servant, a private named Organ, was at his side; mounting on his back and shoulders, he scrambled up, and went on at once with his Company. Organ, after finding an easier

[1] Now (1889) Lord Wantage.

[2] The late Sir J. Dugdale Astley, Bart.

passage at another spot, rejoined him during the pause which took place near the crest of the hill after the first advance, when the battalion was about to fix bayonets and charge into the battery. He found him already wounded in the right thigh (that wound was probably slight, though it had knocked him down), binding up the place with a handkerchief, and complaining of thirst. Organ gave him a drink of water, and said, "You had better stay here a few minutes, my Lord." "No," he replied, "this is no time to wait; it will soon be over." Then came the critical moment, when the soldiers of the 23rd Regiment, dislodged from the Redoubt, fell back through the ranks of the Fusiliers, and caused some temporary disorder. Exposed to the full fire of two Russian regiments from behind the earthwork of the battery, which they could not return without firing upon the men of the 23rd before them, an impression arose during the confusion, that the Guards had also been ordered to fall back and re-form. It was then that the officers rushed to the front, to rally and reassure their men; and none more prominently than Lord Chewton. At the head of his Company, pulling off his bearskin cap and waving it high in the air upon the point of his sword, he shouted out, "Come on, my lads, we will beat them and gain the battle!" The soldiers rallied, and he, pushing forward (too much, it was afterwards said, before his men), led the second advance into the midst of the enemy, under a shower of balls directed against the officers, and not least against himself. No obstacle stopped him; accord-

ing to one account, he was seen engaged in a hand-to-hand encounter with three Russians at once; but he was at last struck down by a musket-shot, which broke his left thigh just above the knee, immediately in front and within fifty yards of the Half-Moon Redoubt. His heroic bearing, tall figure, and great strength, made him formidable as well as conspicuous to the enemy; and now, as he lay upon the ground, sitting up and leaning on his hand, they made his body a target for musket and rifle, stabbed him with their bayonets, and beat him savagely about the head with the butt-ends of their muskets. In this murderous work some Russians who lay near, slightly disabled, were seen to take part—to one of them, who was taking deliberate aim at him, he held out his watch, supposing the object to be plunder; but the man fired a rifle-shot, which inflicted the most fatal of his wounds. Another rose from the ground, sent the charge of a rifle through his shoulder and hand, and, not content with this, bayoneted him also. But by this time Lord Chewton's comrades were at hand; one of them, a corporal named George Watson, son of a Scotch yeoman at Kirriemuir, who saw this done, and related it in a letter to his father, shot the coward dead. "The officer," he said, "looked, and seemed to smile; his name is Lord Tuton." The father, with kindly sympathy, sent his son's letter to Lord Waldegrave.

When Lord Chewton was borne away from the field of battle, there were wounds all over his body; fourteen altogether were counted, some of

them frightful, besides many contusions. Of these, the more dangerous, except the fracture of the left thigh which first disabled him, were inflicted after he had fallen. It is but justice to an enemy, in whose ranks there were not only savages, but also generous men worthy of the name of soldiers, to mention that a Russian officer, observing those acts of cowardly ferocity, interfered to stop them; and to his intervention it may have been due that Lord Chewton did not die where he fell.

A temporary operating-room was established in a hut near the vineyards on the other side of the Alma, upon the sloping bank opposite to the hill which had been the scene of the struggle. Thither he was removed. Mr. Robinson, senior assistant-surgeon of the Scots Fusilier Guards, was the first to examine his wounds. Usually, when a man has received mortal hurt, there is some sign of it in his countenance. But it was not so with him. Mr. Robinson, in his published diary,[1] pays this passing "tribute to the memory of as gallant a soldier as any the war has numbered with its victims."

More heroic endurance of suffering and devout resignation to the will of the Almighty, preceded by a display of all the personal courage and example an officer of subordinate rank could exhibit to his Company, it has never been my lot in life either to conceive or witness. Never can I forget that, on proceeding to examine his wounds, his first act was not to allude to his own state and the barbarity with which he had been treated, but to grasp my hand and ask forgiveness for an offence

[1] *Diary of the Crimean War*, by Frederick Robinson, M.D. (London, 1856), p. 156.

so trifling, so long an interval elapsing since its occurrence,—then the mere playful ebullition of a disposition which could never purposely inflict a moment's pain on another—that none but a chivalrous soldier and sincere Christian could remember and seek to repair, at such a time, and under such circumstances.

That night, Mr. Halpin the chaplain visited the wounded. In a shed where he found fifteen lying, he heard a familiar voice. He turned round: it was Lord Chewton, who said, "Pray with me";—and Mr. Halpin testified to his earnestness in that prayer.

Admiral Dundas sent a boat on shore, to inquire what assistance could be given to the wounded by the fleet. Assistance was necessary; for the ambulances intended for the army had been left behind at Varna. Early the next day, cots slung on poles, and carried by marines, came from the ships, and the surgeon of the *Britannia* visited the field-hospital, to make arrangements for the removal of the officers to such ships as they might prefer. The *Leander*, commanded by Captain King (a friend of Lady Chewton and her family), to which Lord Chewton wished to go, was supposed to be absent at Eupatoria, and he was asked to name another. "I have no choice," he answered; "but my name is very well known in the navy,—it is Waldegrave." "That is sufficient," was the reply; "you had better go alongside of any ship you like, and you will be immediately taken in." The *Leander*, however, had returned, and he was taken alongside of her. "Desperately wounded as he was" (wrote Mr. Robson, the *Leander's* chaplain), "the courtesy of the high-bred gentleman did not

desert him, for he remained in the boat till he had asked and obtained permission to be brought on board." The next day, Captain King wrote, at his request, to Lady Chewton's mother, preparing her for the worst, on account of the number and severity of his wounds, though he was in very good spirits, and it had not then been ascertained that any vital part was injured. Mr. Robson wrote to one of his own relations, on the 5th of October, a letter which was communicated to Lord Waldegrave, saying: "He remained on board two days, quite cheerful and collected, notwithstanding his frightful wounds, during which time I visited him ministerially at his own request; and when he was taken to a transport to be conveyed to the hospital at Scutari, I went on board, and gave him the Holy Communion, for which he seemed very grateful. Poor fellow! I hope he may recover, for he is one of the finest young men in the army, and has a wife and child." Mr. Robson added other particulars in a letter to Samuel Waldegrave after his death. He had rallied considerably on the 22nd September, and then, of his own accord, spoke freely to the chaplain of his past life, and his Christian hope.

He joined fervently in the prayer offered up beside him, and the tranquillity and composure of his mind excited my admiration, and that of every one who saw him. Not a murmur or word of complaint escaped his lips, and he was even cheerful in conversing with those around him, though from the first I do not think he expected to recover. . . . From the great tranquillity of his mind, I had strong hope he might be spared to recover. He bore his wounds with the utmost resignation;

his mind was perfectly unclouded; and he had ample time granted him for preparation to meet his last hour, of which, as far as my judgment goes, he made a right use. He was fully aware of his danger, and met it calmly.

The transport *Arthur the Great* conveyed him to Scutari, which he reached without suffering, and was carried up to the Turkish barracks, then used as a hospital for the British army. From thence, on the 27th of September, he wrote to his father by the help of the hospital chaplain, Mr. Sabine, signing the letter with his left hand.

MY DEAR FATHER—I am on my back in the hospital at Scutari, with a compound fracture of my left thigh, and several other wounds, one of which is through the palm of my right hand, so that I am unable to hold a pen. But, thank God, I have never had an unfavourable symptom since my wounds were first dressed on board H.M.S. *Leander*. I got Captain King to write to Fanny,[1] and I hope that she got that letter in time to prevent any very serious alarm. A short mail is going away in a very few minutes; and I can only assure you that your prayers have been heard about your son in a most wonderful manner.

He wrote also to his wife, by the hand of Captain Dugdale Astley (himself wounded, and in the same hospital), who, in a few words of his own, spoke sanguinely, and promised to do all he possibly could for him,—a promise well redeemed; for more could not have been done by any friend. All indeed who had the opportunity of contributing to Lord Chewton's ease and comfort did what they could,—Mr. Sabine the chaplain; all his medical attendants; Dr. Reade,

[1] Lady Chewton.

staff-surgeon and principal apothecary to the Forces, who (though not medically attending him) visited him several times daily, and treated him like a son,—and his wife Mrs. Reade (soon to be left a widow), who did the motherly part, preparing with her own hands anything which he appeared to like. The officers his fellow-patients shared in the general feeling towards him; and Lord and Lady Stratford de Redcliffe visited him, and sent things for his comfort from the British Embassy. His strength of constitution and tenacity of life were great; and hopes, almost confident, of his recovery were for some time entertained by most of those who saw him; though it appeared, when the course of the fatal wound was traced after his death, that the case must really have been desperate from the beginning. In these hopes he was himself so far led to participate, that he sent a telegraphic message (which arrived after his death), requesting his brother-in-law Captain Bastard to come out and take charge of him.

The noble qualities of his character shone forth at this time with extraordinary brightness. The pain which he suffered, especially from his shattered hand, was great; but "his heroic demeanour, patience, and Christian cheerfulness" (so wrote one of the medical staff to his father) "during the interval which intervened between the infliction of his wounds and their fatal termination, was the admiration of every one; and his kindness of manner to his medical attendants can never be forgotten." Strangers who visited the

hospital a month after his death, where the rapid succession of scenes of suffering and mortality might have been expected to displace the impression made by any single case, were still told of Lord Chewton: "This gentleman had fourteen wounds when he entered the hospital; he never complained, but endeavoured to cheer his comrades in suffering till his death." Lord Stratford bore the same testimony: "Poor Lord Chewton has closed his gallant career, after supporting the sufferings occasioned by his many wounds and their distressing consequences with a cheerful bravery, as noble, and even more so, than the gallant bearing which he displayed upon the field of battle. I speak from personal knowledge, having seen him and conversed with him at the barracks about a week before his death."

It was his wish to see as much as possible of Mr. Sabine; and this was rendered more easy by the situation of the chaplain's apartments, immediately below the room in which he lay. From the first, he spoke of his own death as probable, but not certain; and what he said to Mr. Sabine was in anticipation of either event. On the second day after his arrival at Scutari, he opened his mind to him freely, making a particular and unreserved confession of the faults of his past life, and dwelling upon some of them with deep self-abasement, as if he had deserved by such acts to be cast out, even from free forgiveness. "Nothing, however" (said Mr. Sabine), "shook his confidence that, by the merits of Christ, he was entirely forgiven and saved, and that there was a

glorious immortality and resurrection for him. His reliance was not upon his own repentance, but upon Christ alone. It was not a mere deathbed repentance, the work was done before."

It appeared that, from the time of his marriage, four years before, his thoughts had been more turned than formerly towards religion. His departure from England, and the parting from his wife and child, filled him with sadness, and quickened in him the sense that no human ties, however dear and precious, can satisfy the desires of the soul, unless cemented by the Love which is eternal, and the Hope which cannot fail. The scenes of human misery, sickness, and death, which he had witnessed at Aladyn, Goeckler, and Varna, completed the work by which he was prepared for the change so soon to come. He told Mr. Sabine, that "during that time he felt a new man; that God was indeed working in him mightily by His Holy Spirit. He knew what prayers had been offered up for him, and he desired nothing so much as to become all that his parents had prayed for. His own prayers upon the field, when lying mutilated, were not for temporal life, but that God would make him what he ought to be; and he was certain that God heard his prayers *then*." Many times he expressed gladness that his father's prayers had been heard for him, and that he would not grieve for him as without hope. He spoke also of his mother with great love, saying how much of his present happiness came from her prayers and her teaching; of his wife, too, into whose feelings he could now

perfectly enter, and have the joy of knowing that her hope was the same as his, that they were one in the point needful to make their union eternal.

All the regret which he felt at leaving the world arose from his love of others;—for his father, and (most of all) his wife and child: human infirmity could not always be controlled, when he thought of them. He had with him a miniature portrait of his wife and child; this and his Bible were his inseparable companions. "It was a touching sight," said a comrade, Captain Pakenham,[1] "to see his wife's portrait always hanging up close to him, wherever he might be." "Lady Chewton's miniature," said Dr. Reade, "was constantly before him, and her name ever on his lips." "He had the portrait," said his servant Legge, "always in his left hand, looking at it; and his Bible he had always in bed with him—never let it be away from him—and was constantly praying." Two nights before his death, Dr. Reade spent some time with him, and said—

He had the miniature of Lady Chewton before him all the time; and, when I rose to take leave, he said, "Look at that, Reade; I fear I shall never see that face again." Mr. Sabine also mentioned, that he often talked of his father; saying how he dreaded what the effect upon him would be.

On Friday, the 6th of October, the signs of approaching death were seen; he passed a restless night, and was told by Mr. Sabine in the morning that he had not many hours to live. He heard the announcement with his accustomed emotion and

[1] Afterwards fourth Earl of Longford.

fortitude, and said that "he was glad to die, feeling that he should be spared many temptations, and that the work in him could not now be undone." He would not dictate, or authorise others to write, letters to his family. "His wife and child," he said, "were in the hands of God, who would protect them as well without him as with him." About three o'clock in the afternoon, he sent for his brother-officers who were recovering from their wounds, for all of every grade who had been in attendance on him, and for his soldier-servant Organ,[1] whom he had not seen since the battle, and who, making his way with difficulty to his bedside, thought his countenance but little altered. He took an affectionate leave of them, thanking them all, and saying that he was not afraid to die. "Nor did he seem so," observed Captain Astley; "for his faculties were rather sharpened, the nearer the end approached." After this, finding himself unable to retain food, he desired that no more might be brought to him, and gave his last directions as to his funeral, and his worldly affairs. He had kept an accurate list of all letters received and written by him during his absence from England; this he made Mr. Sabine complete, and look over the letters to see that all which he had received were there, and desired that they, as well as his wife's miniature, might be buried with him. Late on the evening of that day (the 7th October), he received his last Communion from Mr. Sabine's hands. Captain Astley was constantly at his bedside,

[1] Also seriously wounded.

and at nine o'clock looked in and received his farewell. Dr. Reade remained with him till eleven, and then took leave. "God bless you, dear Reade," said the dying man, who had been holding his hand all the time, and was quite composed,—"you, and your kind good wife." Mr. Sabine left him at midnight, when one short prayer was all that he could bear. He then slept, clasping still in his hand the picture of his wife and child; and in a little more than two hours, without awaking, his spirit passed away. Captain Astley was called, and rose from his bed, about half-past two in the morning of Sunday the 8th of October, just in time to perform the last offices of Christian friendship.

Captain Astley wrote to Lord Waldegrave, and Mr. Sabine to Lady Chewton, to break to them their loss, for which the conflicting reports of his state which were made public had not fully prepared them. To Lady Chewton Mr. Sabine said—

> Several times during his illness, and especially during the two last days, he spoke of his great love for you; saying, if ever a husband truly loved his wife, he loved you; and the thought of the unbroken love between you was a great solace to him in his last hours. His sure hope of meeting you in Heaven also gave him great delight; and he ever regarded you as *the* one who had helped him, and drawn him on to think of holy things. His repentance was most sincere, and, I am thankful to say, had been going on for a long time before his wounds.

His remains were deposited in the British burial-ground at Scutari, on the afternoon of Tuesday the 10th of October, in his uniform, as he had desired, and with the portrait and letters reverently placed on

each side of his head by Captain Astley. All his brother-officers whose strength permitted it were present; Mr. Sabine performed the service; and all due honour was paid to the grave of this true nobleman and gallant soldier.

Within a week after his funeral, my brother William arrived at Constantinople, and visited the spot where he was laid; giving us, in a letter dated the 24th of October 1854, this description of it:—

The place is just opposite to Constantinople and Pera, and to the Golden Horn which runs up between the two. There is a perpendicular cliff, of no great height, and a considerable surface of uneven ground, which in spring and autumn is green, and now of a brownish green, rising gradually towards a dark line and mass of cypresses which mark the site of the cemetery of Scutari. On this spot the English troops were encamped before leaving for Varna, between two immense hospitals or barracks,—one, which is Red, bounding the above-mentioned space to the south; the other, which is White, with a square tower at each of its four corners, to the north. Both these hospitals front towards the Golden Horn, Constantinople, and Pera; and the coast between the two hospitals projects somewhat; so that, from the windows of the towers towards the sea, you have views on three sides at once, looking northwards across the town of Scutari and up the Bosphorus, and southwards to the islands and the mountains of Asia and Olympus beyond, and in front, as aforesaid, to Constantinople. These three views you have from the windows of the chamber in which he died, which is in the south-west corner tower of the great White hospital.

Just underneath the north-east tower, in a nook between the rising ground on which the hospitals stand and the opposite rise on which the town of Scutari stands, is the landing-place for the boats which ply daily between the hospitals and Pera and Galata. But the graves of those who have died of their wounds or of sickness are all together, between the sea and the front of the other (the Red) hospital, which is at the southern extremity of

the open space between the two. Here there are several lines of graves, some of them covering even as many as forty bodies. Walking from the White hospital along the brink of the cliff towards the Red hospital, the first grave you come to (nearly in a line with the north-west corner of the Red hospital) is that of an officer named Woolcombe, whose father is a clergyman in Devonshire:—the next (that is, the second in the line next to the cliff) is Lord Chewton's:—the third is that of an officer named Singer, a relation of the Bishop of Meath. These three officers' graves are the first, and the name of each is marked on a small wooden mark, temporarily placed there. . . . It is from this projecting space of ground, on which our troops were encamped before leaving for the theatre of war, and in which those who have died after returning are now buried, that one gets, about the time of sunset, the best idea of the reason for which the Golden Horn is so named. For it becomes then like one sheet of gold, twisting up from the union of the Bosphorus and the Sea of Marmora between Pera and Constantinople. Except the short brownish grass, there is neither bush nor tree, nor other vegetation, nor building, on the open space between the two hospitals;—only one large tree, a sort of elm, nearer to the White hospital than to the graves, and one or two others of the same sort below the south-west end of the Red hospital.

The ground, thus hallowed by the dust of some of England's bravest sons, has since been acquired by the British Government, consecrated according to the rites of the Church of England, and protected from profanation. Our Queen has caused a National monument to be erected on the spot; and Lady Chewton has placed a white marble tombstone, with a simple inscription, at the head of her husband's grave.

On the 3rd of October, when we knew no more than that the battle had been fought, and Lord Chewton severely wounded, my youngest daughter was born; her second Christian name, "Wilfreda," by

which she has ever since been called in our family, was given her in memory of her uncle. The intelligence of his death was received in England on the 21st of October. One week before, on the 14th of that month, Lady Chewton had become the mother of an infant son, who was named Henry Noel;[1] taking the latter name from his father's friend, Captain Edward Noel of the 31st Foot, who had fought at Aliwal, and at Sobraon had been posted at the opposite angle of the Sikh intrenchments to that from which they were stormed by Stacey's brigade.

Many generous hearts shared the sorrow of his family and friends; among them the Duke of Cambridge, who wrote that "he should ever feel proud to think that Lord Chewton served in his regiment." The Queen and the Prince Consort commanded Colonel Francis Seymour (afterwards fifth Marquis of Hertford, a near and attached relative[2]) to convey to Lord Waldegrave this gracious expression of their feelings:—

I am commanded by the Queen and H.R.H. Prince Albert to express the sincere sympathy they feel in the grief sustained by yourself and Lady Chewton, at the heavy blow which has fallen upon you by the death of your gallant son. Her Majesty and the Prince cannot but think it must be much tempered by the consolation, that he fell in one of the most glorious actions ever recorded, and that his name will live as one of the foremost in leading on his men in the hottest part of the fight. It is indeed better that he should have thus died, covered with honourable wounds, than like too many of his comrades, who have been carried off by fever and pestilence. Still it is a blow that

[1] Now Rector of Stoke d'Abernon, Surrey.

[2] His grandmother, and Lord Waldegrave's mother, were sisters.

admits of little consolation; and both the Queen and Prince feel much for his family. Will you have the goodness to communicate this to poor Lady Chewton, in the way you think will be most acceptable to her feelings?

The Queen's sympathy was not confined to words. She took the earliest opportunity of conferring upon Lady Chewton an honourable and permanent appointment—that of Bedchamber Woman—in the Royal Household.

The Sultan sent a message to Lord Waldegrave, through Lord Stratford de Redcliffe, that it had been his intention to confer upon Lord Chewton (had he lived) the highest distinction which it was in his power to bestow.

In 1886 a marble cenotaph, with a small memorial window, was erected to his memory in St. Clement's church, Hastings, by a subscription among the inhabitants of that town; for which, at their request, I wrote the inscription.

CHAPTER XLV

THE CRIMEAN WAR

1854–1856

My sorrow was not mitigated by public considerations, as perhaps it might have been if I had been one of those who thought the Crimean war just and necessary. I did not think so. I had no hatred or fear of Russia, and no belief in the possibility of arresting the decay of Turkey. I shared the opinions indicated by John Henry Newman, in the letter which he wrote to me in 1840, with a view to a paper on the Turkish question in the *British Critic*. And on the day of Lord Chewton's funeral at Scutari, when the accounts which had reached this country made us hopeful of his recovery, I delivered at Plymouth a lecture on the history and condition of the Ottoman Empire; at the close of which I said, that unless the war should lead to a change in its methods of government, and to a general improvement in the state of the Christian and other populations subject to that Empire, "the blood of our friends and brothers would have been shed in vain."

I had no hatred or fear of Russia. I could not help feeling grateful for the kindness which my brother William had received from many persons in that country; and his impressions upon European and especially Russian politics, of which he was an intelligent observer, seemed to me generally just and reasonable. I saw in Russia a military power, stronger for defensive than for offensive purposes; governed by a ruling class assimilated, in appearance more than substance, in their manners and habits of thought, to the rest of Europe; and the mass of whose people were centuries behind, with the faults, and not without the virtues, of an imperfect stage of civilisation; a power overweighted by an enormous territory, yet under continual inducements, from frontier difficulties and sympathies of race or religion, to enlarge it; a power which, in the sure progress of time, must undergo developments of a nature as yet uncertain; but doing more, even now, than any other agency to ameliorate the condition of the Oriental races with which it was in contact. It seemed to me to be the best course for the Western nations to maintain, as far as they could, relations of goodwill towards such a Power; whose ambition of conquest was not likely without strong provocation to be directed against themselves, nor (if it were so) to be really formidable to them. Such relations would be more influential than any hostile attitude in preserving the general security and peace of Europe. Whenever the time for a large development of material resources and political institutions might

come to the Russian Empire, its unity would probably be broken up. In the meantime, the conditions, risks, and penalties of war were not the same to Russia as to most other nations. She was vulnerable at her extremities only; and, of the seas by which these were accessible, two were closed naturally during the whole or great part of the year, and the third politically, unless Turkey should be a party to the war. The experience of 1812 showed that the climate of Russia, and the resolution and hardihood of her people, made any attempt to penetrate far into her interior, and there inflict wounds of which the effects might be permanent, difficult and dangerous, even to an invader already master of nearly all Europe. Her defensive power being so great, her population immense, poor, and uneducated,—its general spirit warlike, and the command of her rulers over it unobstructed by constitutional difficulties,—Russia was better able than any other European State to bear a frequent repetition of wars and reverses, and, even when she might seem for a time exhausted, to renew the same struggles for the same objects in another generation. It might be a legitimate object of European policy (whether exaggerated or not) to prevent Constantinople from being incorporated into the Russian Empire. All our statesmen agreed in thinking so;—but, if so, the reason seemed all the greater for considering without passion or prejudice any means which there might be of diminishing the motives for such an incorporation. In that point of view, the relations of Russia to the Christians of the

Greek Rite within the Ottoman dominions ought, by a wise policy, to be recognised. Russia had received her Christianity from Constantinople when that city was Christian; her European population professed, generally, the same form of religion which had been established under the Greek Emperors in the most ancient seats of Christianity, and to which the Churches of the "Orthodox" Greek Rite continued, under the Turkish rule, to adhere. In that respect, Russia stood alone among the great Powers; she was, therefore, the only Power to which those Churches could naturally look for protection. Protestants generally regarded them as corrupt and superstitious, and Roman Catholics as heretical. Russia could not be expected or required to withhold from them her sympathy and protection, or to abstain from seeking from Turkey such engagements as might be necessary to make it useful and effectual. She had obtained engagements of that kind by the treaties of Kainardji and Adrianople. Other European Powers had also their Conventions, or "Capitulations," with Turkey, in favour of the special objects of their protection, securing to them privileges and exemptions from the general law of the Empire, of a character unknown to more independent States. There might be much more danger to legitimate objects of general European policy in opposing and thwarting, than in accepting, as justified by a real interest amounting almost to moral duty, the Protectorate (such as it was) which Russia claimed under those treaties.

It was imputed to the Emperor Nicholas, as proof

of an aggressive and insatiable ambition, that he entered into a confidential conversation with Sir Hamilton Seymour, the British Ambassador at St. Petersburg, early in 1853, as to the decrepitude of the Turkish Empire, and as to the possibility of coming to some understanding with respect to the political or territorial arrangements which might be desirable in the event of its dissolution. But, if the Emperor's purpose had really been one which no honest British statesman could entertain, there was nothing in the character either of Sir Hamilton Seymour, or of a British Ministry in which Lord Palmerston and Lord John Russell were colleagues of Lord Aberdeen, to make it probable that he would have opened it to them:—rather, such a communication was enough to prove that he had no object in view which might not be consistent with, and calculated to promote, the general policy of Europe. If John Henry Newman, in 1840, read the signs of the times as making the supposed contingency probable, and one for which it might be wise to make preparation before it happened, why might not the Emperor of Russia, with equal good faith, take the same view, thirteen years afterwards? The British statesmen to whom that communication was made may have been right in thinking that the time had not come (if it ever should come) for entering into such questions; yet even for British statesmen to consider such questions, not with a view to bring about or accelerate the case supposed, but to be prepared for the best and safest way of dealing

with it if it should happen, might not have been inconsistent with political integrity and wisdom.

From the point of view in which I myself regarded the situation, it seemed probable enough that the dissolution of the Turkish Empire, either by conquest or by internal decay, might before long become inevitable; and that, if this happened by conquest, it might be in consequence, not of any unjust aggression, but of the unwillingness or inability of the Porte to fulfil its engagements, and to repress such cruelties and oppressions as might in the natural course of things lead to disturbances and insurrections, drawing other States into war. It always seemed to me that, in that case, a Ruler of the Greek Rite at Constantinople would be more likely to consolidate a Christian Power there, than either a Roman Catholic or a Protestant. That such a Ruler should be as strong as possible, territorially and morally, so as to be no mere vassal of Russia, would plainly be a just object of European policy; and, if that object could be gained, not by the use of force against Russia, but with her concurrence and goodwill, a great security would be obtained for the future. Russia might, or might not, be willing to agree to an extension of the Greek kingdom, such as might accomplish that object; or there might be other difficulties in the way of that solution of the problem. If that solution were impossible, it might be better to place on the new throne, with the concurrence of Russia, a Prince of the Imperial Russian dynasty, than any member of the governing families of smaller

States which formed part of the Ottoman dominions. A new Christian Empire at Constantinople, under a Russian Prince, would be a different thing from the incorporation of that city and its subject territory into the Russian Empire. The experience of nations had shown (as might have been expected from natural causes) that family ties are not, in such a case, likely to prevail over political considerations, or over the legitimate desire of every State to strengthen itself against aggression or dictation from without. An independent Christian Empire at Constantinople, established even under a Russian Prince, with the general consent of Europe, would be a more weighty and important factor for good in the European balance, than an effete, corrupt, and imbecile government, for the tutelage of which there was a jealous competition between the principal States of Christendom, and which without that tutelage must inevitably fall.

The Ottoman rule had been a curse from the beginning to the Christian races under its sway. By every possible kind of misgovernment, from wholesale massacres to extortion and petty oppression, it had continually reduced and impoverished their population, checked their industry, and drained their resources. It had turned some of the most fertile regions of the world into deserts, and had made useless some of the finest rivers. Its cities and towns had been too often hotbeds of pestilence, and for the removal of the natural causes of pestilence nothing was done. Waste, peculation, and mismanagement kept its finances in continual disorder.

The Governors of its provinces were appointed and removed without any view to the public good, and were often unscrupulous tyrants. Its social system was demoralising; its public opinion did not check or discourage degrading vices. Slavery and polygamy were still among its institutions. And for this state of things there was no prospect, no reasonable possibility, of a cure. The Turkish Empire had been founded on force, impelled by fanaticism. Now the strength of both was gone; but their spirit remained. The idea of any equality of rights between the dominant race and religion and those subject to it was at variance with its history. So also was the idea of law, as elsewhere understood; the conception of Mahommedan law being hierarchical, and its rules of judgment derived, or supposed to be derived, from the Koran. Young men of promise were sent to Paris and other capitals, to learn something of European ideas and manners, and to qualify themselves for public employments in the service of the Porte. The best of them brought back views foreign to and irreconcilable with the traditionary system of their country; the worst returned without the virtues often found in individuals under that system, and with new vices added to those which it fostered or tolerated. Neither class was capable of infusing life into a Government which had in itself no principle of reform.

The first disturbance of the *status quo*, which led to the war of 1854, came, not from Russia, but from France; it was the question raised by France

as to the keys of the Holy Places in Palestine. This created a difficulty for the Porte, which had entered into inconsistent engagements, with France, and with Russia and the Christians whom Russia protected; but, while the engagements with Russia had been always observed, that on which the French claim was founded had slept for more than a century, and was practically in abeyance; nor had France any more reason for insisting upon it in the nineteenth than in the eighteenth century, but rather the reverse. The zeal of modern France for religion at home has not generally been so great as to account for the use sometimes made in her foreign politics of Roman Catholic interests, real or supposed. The motive, on the part of France, was not even sentimental:—the effect on Russia was, not to arouse sentiment only, and a natural resolution to insist on her treaties and firmans, but to affront religious feelings and habits which, on the part of the fifty millions of "Orthodox" Christians in Russia, were practical, strong, and sincere.

That, under these circumstances, the Emperor Nicholas should require some new diplomatic assurances from the Porte in favour of his fellow-Christians, in accordance with his own understanding of the existing treaties, was natural, and, as it seemed to me, reasonable. But Sir Stratford Canning (created about that time Lord Stratford de Redcliffe) then represented this country at Constantinople; a man of consummate ability and great accomplishments, who knew his own mind and owned no one else for

master. I knew him well in later years, and it is my conviction that he was too high-minded to be influenced (as some have supposed) by mere personal resentment for an affront passed upon him by the Emperor Nicholas, who some time before, when he was nominated as British Ambassador at St. Petersburg, had refused to receive him.[1] But his opinions were anti-Russian, to the point almost of superstition. He set his face altogether against the principle of a Russian Protectorate over the Greek Christians in the Turkish dominions, under the existing or any future engagements. By secret assurances of support from the British fleet, concurring with open demonstrations by France, he excited in the minds of the Sultan and his ministers a desire to use that opportunity of "striking off the fetters of Kainardji and Adrianople," and "settling accounts with Russia once for all."[2] The dispute relative to the Holy Places admitted of an adjustment by way of compromise, which by his management, with Prince Menschikoff's concurrence, it received; but it had raised a larger question, which Russia was not content to leave open, and which, on the other hand, might be used as a lever for breaking down Russian influence in Turkey. The

[1] The fourth Duke of Cleveland, then Lord Harry Vane, went as *attaché* to St. Petersburg with Lord Heytesbury in 1828. He related to me in the present year (September 1889) some of the conversations which he had about that time with the Emperor, who spoke freely of Sir Stratford Canning (then British Ambassador at Constantinople), saying that he "suspected treason under every chair."—(Compare Sir Stratford's conversation with my brother William in 1850, *ante*, p. 60).

[2] The words within marks of quotation were Lord Stratford's own in his despatches to Lord Clarendon.

representatives of the Four Powers,—England, France, Austria, and Prussia,—endeavoured to arrive at a fair settlement, which might preserve the general peace. They drew up at Vienna a note to be addressed to the Czar by the Sultan, which they thought apt for that purpose: their united diplomatic skill was exercised in its composition; it was approved by all their Governments, and accepted by Russia; and Europe, for the moment, seemed delivered from the danger of war. Lord Stratford was instructed to press it upon the Porte; and doubtless he went through that form. But the Turkish statesmen, never wanting in craft, knew his real mind. He had written to Lord Clarendon in the preceding month:[1]—"If the ultimate exclusion of Russia, as well from the Greek Protectorate as from the Principalities, be really that important object which has been hitherto presumed, success will never be obtained, according to every reasonable calculation, without a previous understanding between France and England to stop at no sacrifice which is to secure it":—and he described the ideas of Reschid Pasha and his friends as "brilliant," "benevolent," and their realisation as "far from impossible." On the 19th of August 1853 the Turks, reckoning with good reason upon his support, rejected the Vienna note in the form in which it had been drawn up by the Four Powers and approved by the Czar, and insisted upon alterations in its phraseology, absolutely unworthy to be the turning-point between peace and war, unless the

[1] 4th July 1853.

motive was to build upon slight differences of form an interpretation, destructive of the substance of the engagement; which it required the most astute hair-splitting to do. This was doubtless their purpose; and it succeeded. The Russian Foreign Office was alarmed, and criticised the Turkish alterations in a document[1] which became public. Those criticisms, in their turn, alarmed the British Ministry: the Russian interpretation of the Vienna note (though to my apprehension perfectly just and reasonable) was considered, even by those most desirous of peace, to go beyond what had been intended. The Vienna note, therefore, fell to the ground.

The Turks and Lord Stratford thus became masters of the situation; and, although negotiation went on for some time longer, Lord Stratford himself, on the 24th November 1853, described the temper of the Turks in these words:—"Unfortunately, the motives to forbearance are thrown into the shade by the dazzling illusions of hope; and passion is in league with occasion to merge all fears of danger and all considerations of prudence in a wild, though attractive speculation, difficult at best to realise, and of which even the accomplishment would not be unattended with formidable drawbacks."

The Emperor of Russia made it easy to represent him as in the wrong, by his overbearing way of doing things, and by occupying the Danubian Principalities

[1] See the Russian official publication, entitled *Diplomatic Study of the Crimean War*, printed in Russia in 1874. (Engl. Transl. 1882, pp. 214-217.)

as a material guarantee, which the Turks were entitled to treat as a case of war as soon as it suited their convenience. But I was never convinced, either that Russia had received no provocation, or that the Western Powers might not have avoided war by the use of reasonable means, if they had wished to do so. Louis Napoleon, the original aggressor, certainly did not wish it; he had his motives for desiring war, if England would be his ally; and the English Cabinet drifted[1] into war under his and Lord Stratford's influence, not being of one mind among themselves.

In that Cabinet, Lord Aberdeen, Sir James Graham, and Mr. Gladstone represented the interest of peace. They stood practically alone:—even the Duke of Newcastle and Sidney Herbert, Gladstone's most intimate political associates (one of whom[2] was closely related to a great Russian family), were unfriendly to Russia. Lord Palmerston with all the vigour of his character, Lord John Russell with some vacillation, and Lord Clarendon the Foreign Secretary with more evident reluctance, supported Lord Stratford's views. In such a Cabinet, with their Imperial ally and their Ambassador at Constantinople working against them, and the Emperor of Russia doing much to strengthen the hands of his adversaries, Lord Aberdeen was unable to control the course of events;—and when the public feeling

[1] Lord Clarendon's own phrase.

[2] Sidney Herbert's mother was daughter of Simon, Count Woronzow, for some years Russian Ambassador to this country.

in England had been raised to war-heat, he yielded to the necessity which he had earnestly desired to avert. When the early successes of the allied armies were followed by the miserable winter campaign of 1854-55, and public indignation was aroused by the shortcomings of our Commissariat, it was upon Lord Aberdeen and his friends that the storm fell; and Lord Palmerston, as the true representative of the war policy, naturally became the head of the Government. Lord Aberdeen was willing that his friends should serve under Lord Palmerston; but the attempt to reconstruct the Cabinet on that footing failed, after a few days' trial; and the "Peelites" resumed an independent position, watching the progress of the war, and looking out for any favourable opportunity of making peace. I sympathised with them in that position, much more than when they were responsible for the war.

Coalition Governments have seldom been popular or fortunate in this country; and in 1853-54 it may be feared that the component parts were like oil and vinegar, not really able to coalesce. This, from the point of view of those who, like myself, look upon faction and party-spirit as not always or necessarily good, was a great public misfortune. Emergencies occur from time to time in every nation, in which it would be the best way of avoiding great public evils, if patriotic men of different political connections could be brought together, and co-operate in office if necessary. Unofficial co-operation of men who have not been accustomed to place confidence in

each other is attended with many risks. But the history of the Aberdeen Cabinet, as well as that of "All the Talents" in 1806, is not encouraging; and unwillingness to repeat experiments, which in those instances were so short-lived and unsuccessful, may hereafter stand in the way of combinations, without which, in critical times, the duty of postponing other considerations to the general good cannot be adequately performed.

To Lord Aberdeen, this was the close of a public life, which, for forty years, had been without stain. The other member of the Coalition Cabinet whom it affected most was the Duke of Newcastle. Henry Pelham Clinton, fifth Duke of Newcastle of that line, was rather more than a year my senior. He was at Christ Church, when I went to Oxford in 1830; then Earl of Lincoln. I did not know him there; but he spoke now and then at the Union, so badly, that I thought there was no chance of his ever becoming a tolerable speaker. But he was one of Gladstone's friends; through him, Gladstone first came into Parliament, as member for Newark; and Gladstone encouraged in him the ambition to make the most of his natural gifts and his advantages of birth and fortune, which he certainly did. His father, who had been a *détenu* in France for some years, when he ought to have been finishing his education, was not a wise man; there was nothing either in his very aristocratic politics, or in his strong political Protestantism, to help to form the character of his son. Notwithstanding this disadvantage, Lord

Lincoln had a liberal mind, and adopted Liberal opinions. He took great pains with himself, and became in Parliament, not an eloquent or powerful, but a business-like speaker; and filled with credit important public employments. He had a grave dignified presence; his reputation for integrity and honour stood high; and those who knew him best held him in great esteem. He was not, however, a good judge of men; his ambition was in excess of his powers; and, of all the eminent men whom I have known, he was the most unfortunate. The Greeks would have said that an *Alastor*, or evil genius, followed him in all the relations of life. He succeeded to the dukedom, and to a large but embarrassed estate, at the beginning of 1851; and in the Coalition Ministry was at first Secretary for the Colonies, with which post the department of war was then united. But on the outbreak of the Crimean war it was thought necessary to divide those departments, and to appoint an additional Secretary of State for War; and the Duke was offered the choice, whether he would remain in his old post, or undertake the new. For the Colonial Office he was as well qualified as most men; his high rank gave him authority, he had paid much attention to colonial subjects, and his administration had not been unsuccessful. But he unwisely, though from patriotic motives, chose the more arduous and difficult duty, for which he had no special qualifications, and in which a man of much greater abilities could hardly at that time have succeeded. It was not to any fault

of his that those shortcomings in the new War Office which so much excited the public mind were due. He gave to its work anxious and laborious nights and days; he did whatever could be done by a minister without technical knowledge or military experience. Yet it was upon him that the official responsibility, both for the faults of his subordinates, and for misfortunes which no foresight could have prevented, fell. He bore it with the same dignified self-command as he did other misfortunes; submitting to obloquy without any sign of irritation or resentment; and employing his first leisure in visiting the seat of war, to see with his own eyes how things really were.

After the change of Ministry, negotiations for peace were resumed at Vienna, and Lord John Russell went there as the representative of the British Government. He endeavoured, in good faith and in a spirit of moderation, to obtain what he understood to be the objects of his mission. Russia also was willing then to make concessions, which would have covered all that was contended for by Great Britain before the war. But it soon appeared that no conditions of peace which were not ignominious to Russia would satisfy the war party, at least till Sebastopol was taken. The negotiation failed; Lord John Russell left the Cabinet; and on the 29th of May 1855 a debate ensued in the House of Commons, in which Gladstone, among others, pleaded for peace. I argued on that occasion, as strongly as I could, against the demand that Sebas-

topol should be taken before terms of peace, otherwise reasonable, could be entertained; and I objected to the condition on which the negotiation had gone off, that Russia and Turkey should each be limited to four ships of war only in the Black Sea. "Such a limitation would be ignominious to Russia; if compelled to accept it now, she would always be looking out for an opportunity of striking off her fetters, as Turkey had sought to strike off the fetters of Kainardji and Adrianople. It was wise policy, when negotiating a peace with a powerful adversary, to consider his honour as well as our own." If we waited till Sebastopol was taken, the points contended for at Vienna would not satisfy the war party; they would be against restoring the Crimea to Russia; the circle of objects to be insisted upon would constantly enlarge; and, if we drove Russia to contend *pro aris et focis*, the war might be long, and its results disastrous.

All those arguments were in vain. The war went on, and before long Sebastopol was taken. If my fears as to what might then happen were not realised, it was not because the war party in England had become reasonable and moderate, but because the French Emperor had got what he wanted. He had acted, in the face of Europe, the part of a great military potentate, with great alliances, and had gained some of that glory in which France delights. Peace now suited his interest better than war; and Russia, after her defeat, was obliged to accept some humiliating terms,—the limitation of the number of her ships of

war in the Black Sea, and the loss of her access from Bessarabia to the Danube, by what was called a "rectification of frontier." The consequences were those which the advocates for peace on more generous terms, in the debate of May 1855, foretold. Fifteen years afterwards, when France was engaged in her deadly struggle with Germany, Russia shook off the restriction placed on her naval power in the Black Sea; and the other Powers not only acquiesced in, but formally ratified the abrogation of that article of the Treaty of Paris by a diplomatic act; protesting only, that Russia could not abrogate it by her own authority. And Russia, after a further lapse of six years, engaged in another war with Turkey, in which the Sultan had to contend single-handed for the life of his Empire, and which ended in the practical separation from that Empire of the greater part of its European territories, and in the recovery by Russia of the Danubian frontier wrested from her in 1856.

CHAPTER XLVI

ARTHUR GORDON AND LORD ABERDEEN

1855–1856

A MAN who makes no new friends after he is occupied with the business of his life must be very unfortunate, or very much to blame. But the friendships then made are generally of a different kind from those which in early youth take deep root in the heart, and produce unlimited confidence. Not, however, always; and, in at least one instance, it was not so with me. The year 1855 is memorable to me for the beginning of a friendship, which from that time constantly grew in strength and warmth of affection on both sides, until it became very like a near tie of blood.

When, after the formation of Lord Palmerston's Government, I took my place below the gangway on the Ministerial side in the House of Commons, Arthur Hamilton-Gordon, then member for Beverley, Lord Aberdeen's youngest son, generally sat near me. We were soon drawn together, and got into habits of unreserved communication upon almost all subjects; for we had several friends, and many interests, in

common. He was then little more than twenty-five years old, seventeen years younger than myself; having been born on the 26th of November 1829.

He lost his mother in early childhood, and was never at a public school; but he went to Trinity College, Cambridge, and graduated there. He had excellent natural abilities, very well cultivated, and a strong desire to use them for good; a mind superior to conventions and prejudices; and great warmth of heart, restrained from being generally demonstrative by a sensitive temperament and fastidious taste. Though brought up in Scotland chiefly, he was a sincere and consistent member of the Church of England, taking a strong interest in ecclesiastical questions, on which he inclined to Catholic views. Charles Wordsworth had been one of his friends, and he was on terms of close intimacy with Bishop Wilberforce and all his family, and also with the Bishop's youngest brother, Henry Wilberforce. He had a force and reality of character, a power of intellectual discernment, a habit of sound and independent judgment, and an invariable preference for what was just and pure and true over everything artificial, hollow, or low in tone and aim, found in few men of his age; which made him attractive to older men who could sympathise with those qualities, though he did not, with everybody, lay himself out to please. He was at some disadvantage (and thought himself at more than he was) for want of that kind of knowledge of human nature, and ready self-possession, which most boys gain by intercourse

with each other at a public school, and by the mutual friction which keeps down too strong manifestations of the individuality of each. But that disadvantage, such as it was, was in other respects more than compensated to him. I am by no means sure that his temperament was one which would have taken kindly to the atmosphere of a public school, unless under circumstances unusually favourable, such as may sometimes be found at Eton, but seldom anywhere else. However that may be, one thing is certain;—that being, from his earliest years, thrown much into the company of his father, for whom he had an extraordinary love and reverence, he gained in that way what he could not have learnt at any school. For his father, besides being a man of great knowledge and accomplishments, sincere religion, and unsullied virtue, and in those respects eminently capable of forming the mind of his son, was a statesman of the first rank in Europe. Under him, Arthur received the best possible political education; he understood a great deal, before he went to College, of public affairs, foreign and domestic, and he knew something personally of the great men with whom his father was in contact. The character of Lord Aberdeen's mind, as I knew him, was grave, sagacious, and dispassionate; he was not carried away by any form of self-deceit, or by the illusions by which imaginative and impatient men are apt to be misled; and he did not shut out the light, from whatever quarter it might come. He regarded progress and order, not as antagonistic principles, but as necessary

to each other. His judgments of men and things were sober and practical. Accustomed to diplomacy from his youth, he was severely simple and straightforward in speech; the arts of the demagogue and the courtier were alike foreign to his nature. He won the esteem of the Princes whom he served by an uprightness in which perfect trust might always be placed. He was content to be misunderstood and undervalued by men of more restless natures, and by the partisans whose passions or prejudices they flattered, because he chose to be always just, and would never be violent, arrogant, or factious. His disinterestedness was absolute; he was not a "man full of words"[1]; it was not his way to blow a trumpet before him, or to encourage others to do for him what he scorned to do for himself. He bore the loss of power, and the failure of health and strength which soon followed it, with unruffled equanimity, like the good Christian that he was. He gave to his youngest son a large share of his confidence and of his heart; and Arthur was able as well as inclined to profit by his teaching and example.

My wife and I visited the Cardwells in the Parliamentary recess of 1855, at a house which they then occupied, called "The Gart," near Callander, within an easy drive of the Trosachs and Loch Katrine. We had a week, in the latter part of August, of delightful scenery and much political talk. Robert Lowe and his wife were there at the same time. The three schoolfellows of old days, now

[1] Psalm cxl. 11.

political comrades, walked together to the top of Ben Ledi, reminding me of the summer of 1832, when I had walked with Cardwell to the top of Scawfell, and over the greater part of the English Lake country. We were all surprised to find how much vigour we retained.

Cardwell's position, at that time, was very honourable to him. Lord Palmerston had offered him an important place in the Cabinet,[1] which he might have accepted without sacrificing his convictions; but he declined it, because he would not separate himself from his friends. He regarded himself as a follower, not then of Gladstone (from whom he differed on many points), but of Lord Aberdeen and Sir James Graham; but he shared (so he wrote to me) the feeling of most Englishmen, that, "so long as the war lasted, union and energy on our own part in its prosecution were alike our duty and our wisdom."

Arthur Gordon had written to me on the 14th of August, just before we went to The Gart, the first letter which I ever received from him,—the beginning of a correspondence, kept up with little intermission down to the present time. Its object was to convey to us from his father "a cordial and urgent invitation to Haddo"; warning us not to expect to see there a country so beautiful as that near The Gart. We gladly accepted the invitation; and, though it is certainly true that the lowlands of Aberdeenshire would not for their own sake very much attract a traveller, their want of striking natural features was

[1] That of Chancellor of the Exchequer.

compensated by other sources of interest. The grounds of Haddo are well wooded and extensive; many of the trees, in which Lord Aberdeen took great pleasure, had been planted by himself. The house in some respects resembled Gledstone, and was built (I think) by the same architect. Some of Lord Aberdeen's grandchildren were there. I remember particularly the eldest boy, George, a handsome spirited lad, whose strange romantic adventures in America, after his succession to the peerage, ended with the loss of his life at sea; and it fell to my lot, professionally, to lay the proofs of his death before the House of Lords, which I could hardly do without being moved to tears by some passages of the narrative.

It was while we were at Haddo that the news arrived of the capture of Sebastopol. Lord Aberdeen did not converse much upon that subject. It was uncertain whether peace would follow. But he, as well as Arthur Gordon, did all that was possible to make the visit agreeable to us; and his conversation, on political and other subjects, was that of a candid man who said nothing insincerely or ostentatiously, reticent as to things personal to himself, and not inclined to speak ill of others. I remember his speaking of the days which he had spent when young with Mr. Pitt, who was his guardian, at Holwood, a place well known to us while it was occupied by Lord and Lady Cranworth,—and what he said left on my mind the impression that Pitt has suffered more than most great men from having no biographer sufficiently

acquainted with and interested in his private life to tell the world all that was worth knowing about it.

That visit to Haddo led to my having the privilege of frequently seeing Lord Aberdeen at Argyll House in London, in his later years; and every occasion of my seeing him enabled me better to understand the dignity and nobleness and simplicity of his character. He was not demonstrative, or given to compliments, but said plainly what he thought. Once, when I was travelling in his company to visit Bishop Wilberforce at Lavington, I ventured to say to him that I thought it was a mistake, when the Roman Catholic Emancipation Act was passed, not to take practical securities by placing some questions which were sure to become troublesome in the future, such as that of Church-rates, upon a safer working basis, instead of such trivial and illusory safeguards for the Established Churches of the realm as those contained in the Act. I do not think he differed from me in his estimate of those (supposed) safeguards; but he did not agree with my suggestion, that the other thing could have been done, or ought to have been attempted. He said that practical questions, in this country, must always be dealt with when they arise, and when public opinion is prepared for the necessity of dealing with them; and that under such a form of government as ours, any long foresight on points which the classes concerned and the people at large do not understand to require new legislation is not possible. There are always many plausible, and some interested objections to a change of laws which seem

for the time to work smoothly, though there may be latent dangers in them; and until such a change is felt to be pressing, those objections prevail. He was, doubtless, right; though I cannot help thinking that it is a weak point in popular systems of government if they make it necessary to carry the principle of opportunism so far.

Tunbridge Wells was our headquarters for the long vacation of 1855; and when we returned there from Haddo, the question of peace still hung in the balance.

TO THE HONOURABLE ARTHUR GORDON

28th September 1855.

MY DEAR GORDON—We finished our travels, and came back to our little flock here on Tuesday last: and, although it is always a delight to me to be with the children (indeed I feel the separation from them as a decided drawback from other enjoyments), still, there is a certain reaction of spirits, which is the best testimony to the enjoyment I have derived from our month's excursion, and especially from the few days spent at Haddo, which fill up a much more than proportionate space in my recollection. Whether anything of this half-sadness is due to the leaves now falling and fallen, and other signs of a waning year, or to the knowledge that my vacation is two-thirds over, and that another month will see me in harness and under whip and spur again, I cannot tell; probably all these things conspire together. When anything which has been agreeable is over, the exquisite truth of ὅσῳ πλέον ἥμισυ παντός[1] is brought home to us forcibly and sadly: a fact which may well reconcile one to the imperfection of language about which we spoke at Haddo, and also to the obstacles which so constantly appear in the way of full and free communication between one man's inner self

[1] How much more the half is than the whole!

and another's. This, too, is just the time of year at which I habitually realise most strongly the wonderfully rapid pace at which life is gliding away. It does indeed seem but as yesterday, since I was here a year ago. "Truditur dies die, Novaeque pergunt interire Lunae."[1] That *pergunt interire* is very beautiful; but I suspect my seventeen years ahead of you make a difference here; and that it is too soon for one so young as you to be in so *autumnal* a mood as I am now, almost habitually. You must not, however, suppose that I think this fast-gliding away of life is altogether a melancholy thing: the prospect of what may come afterwards is not so vacant to my mind as that: sometimes, when one's brain is oppressed with the unsubstantial, unsatisfying nature of the occupations and enjoyments of this world, the temptation rather is to long for the end of it more than is right: and, at all events, one feels more and more emancipated, as time goes on, from the power of what I may call external, as opposed to internal, temptations to evil; which is a great and solid gain.

I have not yet seen any signs of an approaching dissolution in the newspapers, unless their frequent abuse of Gladstone and Co. in the *Times* be one. An Oxford man (F. Meyrick), who was here the other day, told me that he thought Gladstone would certainly lose his seat for Oxford.

If this is the object of the *Times*, those articles may be signs of a dissolution. However, I take it for granted you will not be deterred from your journey, without some more violent symptoms than this by the way. I hope you share my resentment at the conduct of the Government in robbing us of a quiet Sunday, by interpolating a special service about Sebastopol. If it is *very* special, it will be hardly endurable to go to church. I don't think you take in the *Morning Herald* at Haddo. I bought a copy the other day, while travelling, and read an article about Spain, which (if it had any object) seemed to aim at a Bonapartist restoration at *Madrid* as well as at *Naples!*

17th December 1855.

You cannot do better than mention what I said to your father. To be in the next Parliament is really no great object

[1] Day presses upon day, and new moons hasten to their ending.

to me. If I felt that there was good to be done, which I could do, it would be. But I despair, not *de republica*, but of my own power of serving it. And as for any personal considerations, which I might be supposed to have in view for myself, they are either of none, or of very little account with me. Nor do I feel much doubt, that, if I give myself up quietly to my professional engagements (which are enough for any man who has only one head upon his shoulders) for the next few years, I shall be quite as fit for such work (if any) as Providence may have in store for me to do in public life hereafter, as if I were floundering on *in hac turba et colluvione rerum*, through the next Parliament. I cannot flatter myself so far as to suppose that the cause of peace will prosper less in my absence, than if I were there; and I do not know what right I have to suppose that I should be a more courageous opponent of the popular madness than the friends whom I see, day after day, perplexed by it, and moderating their tone rather than encounter its malice. In short, I have no clear sense of a *vocation* for this next Parliament. R. P.

Arthur Gordon wrote to me on the 4th of October, that he had heard from Gladstone, who thought "people were as war-mad as ever,"—grounding that induction "upon conversations he had held with two individuals, the one a pedlar, the other (the more rabid) a Bishop." But Arthur's own opinion, expressed on the 26th of November,—which, no doubt, was Lord Aberdeen's also,—was, that the war was not popular in France, and that the Emperor's dynastic interests would induce him (as they did) to agree to reasonable terms of peace.

Cardwell wrote to me, from The Gart, on that subject, on the 7th of January 1856:—

I daresay that your gloomy view of European prospects may be too much confirmed by the event; for there is so much

dishonesty in Emperors and Ministers, that the difficult detail of a complicated settlement is a jungle, into which the mind is afraid to penetrate for fear of ambush. Yet, as regards the larger features of the question, surely we have some reason for hope. We began the strife about the key of a chapel at Jerusalem. Two hundred millions of treasure, and one hundred thousand lives, are enough for England and France to have expended for that cause; and the key appears to have been forgotten. Then, the Principalities are already evacuated, and Sebastopol no longer exists. The Crimea is of no value, even if we could take it. An Asiatic campaign is not likely to have charms for our allies; and, unless the editor of the *Times* will undertake it on his own account, I do not expect to see a fleet upon the Caspian, or an army beyond the Caucasus. I daresay our French well-wishers will go along with us if we knock to pieces against Cronstadt that fleet which is our only resource in case of invasion, whether from Russia or from any other Power.

But why should the terms said to be carried by Esterhazy to St. Petersburg be rejected by Russia? *Mare pacatum and no fortresses*:—suggestions very natural from Austria or from France; not very natural from a Power which, comparatively weak in its armies, has always been irresistible in its fleets, and which, if Russia shall operate adversely towards the north of India, may desire to effect a diversion upon Odessa, or upon the Sea of Azoff; not very natural from that Ancient Ally, for whom this contest was ostensibly commenced, and whose "independence and integrity" (having become parts of our constitution) can yet look to no defence at all, when fleets and fortresses are gone.

The mouth of the Danube is, indeed, a matter of importance. But Russia has already conceded most of these points; and, if she object to cede the rest, she will naturally escape the necessity by asking England and France for which of Austria's great services she can justly claim that a point mainly beneficial to herself shall be made a *sine qua non* in settling terms of peace?

I believe the French Emperor is alarmed at his financial prospects: and, at any rate, no successful soldier has yet emerged to be a rival in France: and, if peace be now concluded, he will be the chief personage in the historical picture.

Again; the first faint evidences of a change are crossing over the public mind in England; and, if Lord Palmerston could get France to force a peace upon England, he also would stand well as regards the present, and would avoid mischiefs which probably are in store for him, if the income-tax and other imposts of this country are increased.

As regards the terms of peace, I care little about them; I am satisfied that, if we can obtain peace, we shall gain more power in five years by the increase of our commerce and the economy of our finances, than Austria and Russia will in fifty by fleets and fortresses and treaties.

No doubt, it will be somewhat humiliating to feel that we have from first to last been the dupes of a Napoleon, and have played second fiddle to the first impostor in Europe. But this humiliation will only be increased if the war continue. Wherefore you will perhaps ask me, whether I do not mean to join the Manchester party in the coming session? Whereunto I reply: What would have been the position of Lord Aberdeen's friends at this juncture, if, instead of marching and counter-marching with Milner Gibson in face of the House of Commons, they had reserved their fire for the Turkish Loan? Instead of rousing the whole country to madness against them, Gladstone would have been evidently sustaining, out of office, the same financial policy which he had maintained as a responsible minister; and, his English sympathies not being distrusted by the country, he would have been the most efficient guardian of the English purse.

The Peace was made; and the House of Commons was occupied, during the Session of 1856, with domestic affairs.

2nd July 1856.

MY DEAR GORDON—What does Lord Aberdeen think of present prospects? I infer, from everything which has yet transpired, that Russia does not mean to bind herself to keep no ships of war in the Black Sea, nor to dismantle all her fortresses. If I were the Emperor of Russia, I would not;

therefore I cannot blame him, if such is his answer to the new proposals; although I should be most happy, if it were otherwise. From my habitual way of looking at this subject, I daresay many things strike me differently from the manner in which they strike other people. You know, my notion is, that Louis Napoleon has his own objects, for the sake of which he fomented the war, entered into it, and will continue it till they are attained: also, that these objects are not limited by so narrow and moderate an ambition as that of merely strengthening and consolidating his actual position *in* France. My fear is, that he will continue the war, and find the means of continuing it, until the balance of power in Europe is so far disturbed, and the European monarchies, from Russia southwards, so far placed at his mercy, as to make him their virtual master, and able to control their future policy for his ulterior purposes. To throw upon England, as far as possible, the *responsibility* of continuing the war, and to gain for himself, as far as possible, the credit of wishing for peace and being overruled by his allies, were the objects, quite consistent with the policy which I attribute to him; inasmuch as it is an essential part of that policy to detach *all* the Continental powers, as far as he can, from all sympathy with or confidence in English politics, and to make it their future interest to cultivate friendly relations with France, in preference to England. In such a policy, he is manifestly aided by the antipathy of the democratic principle, represented by England, to all monarchical institutions; he being himself a representative of the monarchical as opposed to the democratic principle; the mutual antipathies, also, of Popery and Protestantism, operating, upon the whole, in the same direction. But, with all this, it seems necessary for the object, that Russia should be so far humbled as to make her feel that she also must (for a time) be dependent upon France for her future European position; and, although there will certainly be a limit, *beyond which* it would not be consistent with this policy for France to humble Russia, I doubt greatly whether that limit has *yet* been attained. I cannot help thinking that my views of what is really at the bottom of that dark, audacious, and unscrupulous mind, are corroborated by several things which have lately occurred. Can any one avoid seeing a glance at *Waterloo*, and

an implied comparison of the relative achievements of the French and English armies during the present war, in the following words?

"Soldats de la garde comme soldats de la ligne, soyez les bien-venus.

"Vous representez, tous, cette armée d'Orient dont la courage et la persévérance ont de nouveau illustré nos aigles et *reconquis* à la France le *rang qui lui est du.*"

Then in the pamphlet lately published at Paris (whoever may have written or suggested it, it could not well have been published there, if really disapproved of by the Emperor), independently of the generally soothing and conciliatory tone towards Russia, is it possible to mistake the meaning of the following passages?

"It was France who constrained England to abandon her colonies in North America, and it was England who, in a greater degree than any other nation, contributed to detach from the French territories Belgium and the Rhenish Provinces; and yet France and England are at present closely united. Proud of their new destinies, they assuredly have a right to proclaim that, *in making at present* the sacrifice of a policy incompatible with the peace of the world, Russia cannot decline in public estimation, but on the contrary she must increase in the confidence and esteem of Europe, and *perhaps prepare herself for a not distant future of new and precious alliances.*

"In that situation the duty of the statesman is to seek out under what form and in what circumstances the acquiescence of Russia will best be reconciled with the dignity of a sovereign who, the day on which he will have signed peace, *will find in his enemies of the day before nothing else than brothers.*" True, that the same pamphlet declares the Anglo-French alliance to be "*eternal*"; while, in the very same breath, it insinuates that, if the war should be prolonged, "the interest and ideas of the two nations might be brought into opposition," but it seems, nevertheless, plain enough, that in the extract which I have made, the writer, who *cannot* be speaking for *England, is* speaking for *France.* I will finish with another extract from Kossuth's last letter to the *Atlas*, though it may, perhaps, amuse you to find me quoting Kossuth, who certainly does not wish to please, and whose

notion is that England's only chance is to invoke the "nationality" and an European *Democracy*.

"I do not expect to see this word heeded now. England's Government has lost the power of controlling events, by having lost the spontaneity. They may sometimes feel some pang at the necessity, and a presentiment of coming events may sometimes impart a flash of passing resistance to their nerves; however glide they must, and glide they will, on the glossy slope; they have no more power to stop or to revert by their own strength. One great national exertion on the part of the people might give them the wanting strength; the people might save them, in spite of themselves; but the people is powerless in politics. Powerless? No; it is worse than this; the people has despaired of being able to regulate its own destinies; therefore, I repeat, I do not expect to see the word I now speak heeded; but let this word be put on record, as the word of a man who does not pretend to know how to read the stars, but whom the vicissitudes of an eventful life have taught to read the inexorable logic of history, and descry the concatenation of cause and effect. My word is this: *If at the end of this war* Russia is left in the possession of Poland, Finland, and of the shores of the Black Sea (but of Poland especially), and *Continental Europe* is left in the grasp of despotism; within a very few years, long before the second secular anniversary of the second English Revolution—maybe already within the second anniversary of Cromwell's death—*England will have to fight her supreme struggle alone against a mighty continental coalition*, leagued with some of her own dominions besides, which struggle in all probability will leave the mighty British Empire vulnerable on a hundred points, reduced to this island alone, with London the capital of this island still but the metropolis of the world no more."—Ever yours affectionately, R. P.

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CHAPTER XLVII

THE SUNDAY QUESTION

1856

I HAD occasion, early in 1856, to express my opinion in Parliament upon a question on which men's minds are still divided,—that of opening national Institutions to the public on Sundays.

Almost from the time of the Reformation, views as to the proper observance of the Lord's Day, less rigid than those of the Scotch Presbyterians, but much more strict than those of most Continental nations, have prevailed in this country. Few things did the Church of England more harm in the earlier part of the seventeenth century, than the compliance of the clergy with the Royal order to publish in their churches King James the First's "Book of Sports," which offended against those views. Since the Restoration, the general teaching of the Church of England and of all religious denominations in this country and of the influential schools of opinion within them, has been against the secularisation or profanation of that Day; and the enjoyment of it by the labouring

classes as a Day of Rest has been placed, as far as possible, under the guarantee of law.

Some of the followers of the "Oxford" or "Tractarian" school regarded this prevailing state of opinion as Puritanical, and denied the identity, in any sense or for any purpose, of the Christian Lord's Day with the Jewish or Primitive Sabbath. Their disposition was to rest its observance, not only as to the particular day of the week to be observed, but altogether, upon ecclesiastical authority, and to represent the institution of the Sabbath as simply abrogated.[1] Secularists, who agreed with them in nothing else, accepted that idea readily enough; and a Society in which secular views largely predominated was formed, to give practical effect to it in various ways,—one of which was the opening of national collections of objects of Art, Science, and Literature, to general public resort on Sundays. For that Society, the argument from ecclesiastical authority had no force.

On this, as on other questions of a like character, the province of the theologian is, of course, distinct from that of the temporal legislator: but it has always seemed to me necessary to look carefully into any assumptions intended to subvert a state of law or practice, founded historically upon a certain

[1] This view never (I think) received any countenance from Newman; who, in his *Autobiographical Memoir*, mentions that "in 1823 he drew up an argument for the strict observance of the Christian Sabbath from the writings of St. Chrysostom and other Fathers." (*Letters and Correspondence of John Henry Newman*, edited by Anne Mozley, 1891. Vol. i. p. 127.)

religious belief or sentiment by attributing error to that belief or sentiment on its own ground.

I thought that the case, theologically considered, stood thus. The substance of the institution, both of the Lord's Day and of the earlier Sabbath, was the consecration of one-seventh part of man's time,—one certain day in every week,—to religion and rest. This, in the opening book of the Old Testament, was represented as coeval with the creation of man;[1] and the same book contained indications[2] of its practical observance long before the Jewish law. The succeeding book incorporated it, as the "Fourth Commandment," into the Decalogue;[3] of which all the other commandments were moral, and acknowledged, generally, to be binding upon Christians. In the New Testament, our Lord was found speaking of it as "made for man,"[4] and of Himself as "Lord even of the Sabbath Day;[5] and to the explanation of the principle of its observance, and the correction of errors concerning it, He devoted an important part of His teaching,[6] and five of His miracles,[7] recorded in those Gospels which were written for Christians, not Jews.

The fact that the Fourth, as well as the other

[1] Genesis ii. 2, 3.

[2] *Ibid.* viii. 10, 12. Exodus xvi. 22-30.

[3] Exodus xx. 8-11, beginning with "*Remember*," and assigning the same cause as in Gen. ii. 2, 3.

[4] Mark ii. 27. Luke vi. 5. [5] Matthew xii. 8. Mark ii. 28.

[6] Matthew xii. 1-23. Mark ii. 23-28, and iii. 1-5. Luke vi. 1-10. John vii. 21-23.

[7] Matthew xii. 10-13. Mark iii. 1-5. Luke vi. 6-10; xiii. 10-17, and xiv. 1-9. John v. 5-16, and ix. 1-16.

commandments of the Decalogue, was enforced by some special laws and sanctions belonging to and passing away with the Mosaic dispensation, could no more prove this, than it proved any other commandment, to be a ceremonial or merely Jewish law.

The whole argument for the abrogation of the primitive Sabbath was founded upon the difference of the day in the week observed by Christians. But this implied a continuation of the primitive institution upon a footing which Christianity had made new, rather than its abrogation: and the reason for the change of day, when examined, seemed to me to confirm that view. According to the doctrine both of the Jewish and of the Christian Scriptures, the works of Creation, from which God was said to have "rested," were ruined by man's fall, and needed for their renewal a new Spiritual Creation. That was our Lord's work from which He "rested," when on the first day of the week He rose from the dead. "*New Birth*,"—"put ye on the new man, which after God is created in righteousness and true holiness,"[1]—"in Christ Jesus neither circumcision availeth anything, nor uncircumcision, but a new creature,"[2]—"if any man be in Christ, he is a new creature: old things are passed away; behold, all things are become new":[3]—this, and more to the same effect, is the language of the Christian Scriptures. The rest of the "Lord of the Sabbath" from this

[1] Eph. iv. 24. [2] Gal. vi. 15.
[3] 2 Cor. v. 17.

work, necessary for the restoration of man for whom the Sabbath was made, and to make him partaker of his Lord's rest in the eternal "Sabbath-keeping"[1] reserved "for the people of God," was on the day of the week which Christians from that time (doubtless by Apostolic authority, though the fact[2] of the observance only is recorded) kept holy. That day of the week was, for the same reason, called by the Lord's name,—the Jews still applying the original Hebrew name to the seventh day, concerning the observance of which (as the Divine consecration was of one-seventh part only, and not two-sevenths, of man's time) "no man was to judge"[3] Christians. The change was in the formal part of the institution, not in its substance; but it served to signify a double act of faith; faith in the consecration of the seventh part of time for the benefit of man, that he might rest religiously from his ordinary labours; and faith in the finished work of Christ, from which He rested on His Resurrection. I could not, therefore, think it an error to regard the Lord's Day as the Christian Sabbath; I could not look upon the authority for its observance as less than Divine.

That such was the view of the Church of England did not seem to admit of doubt. It was not, indeed, dogmatically expressed in creed or article; but there is an old and good maxim, "*lex orandi, lex credendi,*"[4] according to which it was plainly enough declared.

[1] ἄρα ἀπολείπεται σαββατισμὸς τῷ λαῷ τοῦ Θεοῦ (Heb. iv. 9).
[2] Acts xx. 7. 1 Cor. xvi. 2. Rev. i. 10.
[3] Col. ii. 16, 17. [4] "The law of prayer is a law of belief."

In the introduction to the Communion Office, the Fourth, as well as the other nine commandments, is required to be recited by her ministers; and after it, as well as after every one of the rest, a petition is put into the mouths of the people, asking God to "incline our hearts to keep this law." How could such a prayer be offered, unless the Fourth Commandment was believed to be, in some true sense, still a law for Christians?

Nor could it be said that, on this point, the Church of England differed from British Christians in general. The common language of all, or almost all, Protestant denominations in Great Britain, in their hymns and doctrinal teaching, proved the contrary. Even the Church of Rome, however highly she might exalt the province of ecclesiastical authority, gave no countenance to the secularisation of the Lord's Day. I had myself seen, when at Rome in 1846, a strictness in its outward observance, exceeding that of the greater cities and towns even of my own country.

From the human (which is necessarily the civil and social) point of view, the value of the weekly day of rest was so great, as in itself almost to be evidence of a Divine origin. Of this, experience had taught me something; which was confirmed by what I was able to observe in others. There was the moral discipline, to those who used the day religiously, tending to the formation of noble and virtuous types of character;—there was to all the physical benefit, plain even to the apprehension of those masses of working men who might not be much affected by the

religious sentiment, and which caused them, by a considerable preponderance of numbers, to resist those efforts of their professed friends, which (they thought) would tend to diminish it.

As to the rule and manner of observance, there was room for difference of opinion among those who were agreed on the general principle. No positive line could be drawn, on one side of which everything would be right, and on the other everything wrong. No well-instructed Christian would insist that the observance should be Judaical; no one who was in earnest at all about the observance could prefer the Continental laxity to English strictness. Wherever the line might be practically drawn by the conscience and prevailing sentiment of a people by whom the institution was held in reverence, it ought not to be lightly disturbed. Any one who lived in London could see how one relaxation in the secular direction led inevitably to others. Of the young men who had passed through my Sunday class in All Souls' parish, some had set up in business, as tobacconists or newsvendors. They wished to observe the Lord's Day, and to rest from their trade; but they assured me that, if they did so, their business could not be carried on, because those with whom they had to compete kept their shops open. Here was an example of the effect of extending the liberty of Sunday trading, from trades concerned with the supply of food (as to which it might be necessary) to others, as to which no case of necessity could be alleged.

On the 21st of February 1856, Sir Joshua

Walmsley, member for Leicester, brought forward a motion in the House of Commons for opening the British Museum and the National Gallery on Sundays. It was supported by Lord Stanley, whose reputation as an independent thinker gave weight to his opinions. He had declined high office, when offered to him by Lord Palmerston, out of deference to his father's wishes; and he indemnified himself for the sacrifices imposed upon him by the necessity of co-operating with the political party of which his father was the head, by taking his own line on social questions outside the range of party politics. I thought it my duty to answer him, as well as I could; not entering at all into the theological question, but following in other respects the line of argument here indicated.

I stated my conviction that, great as were the physical and economical advantages (which nobody called in question) of the weekly day of rest, the moral benefit was still greater;—that the consecration of the day withdrew men once a week from the contemplation of secular and earthly things, and invited them with a call which every man must hear, though all might not regard, to remember their eternal interests, to recollect that they were spiritual beings with immortal souls, and that this world, its pleasures, its labours, its objects, and its gains, were not the only things for which they were born. If the law of the land did not interfere, the pressure of competition, the pressure of want, and the pressure of power between man and man, would be so great, that,

although some might and would resist it, many others would not and could not. Considering the poverty of many of that class whose interests had been chiefly dwelt upon in the debate, the families which they had to maintain, and the difficulty with which they ate the bread of care and labour, I thought much more affecting and moving arguments might be constructed for allowing them to labour on Sunday in their different callings for additional bread, than any of those offered in favour of intellectual recreation and amusement. I referred to the experience of France and other countries, in which more than half the shops were open, elections and reviews took place on Sundays, and there was no protection at all for the labourer, no such thing as a day of rest;—not as wishing to make boastful comparisons between them and ourselves, but because it was simple common sense to inquire into the working of the principle of relaxation, where it had been tried and had produced its natural fruits. I met the argument founded on things already permitted, by observing, first, that in all these questions there must always be a debatable ground; a line must be drawn somewhere, which could not be done with perfect theoretical accuracy, but there was no great practical harm as long as it was so done as neither to offend nor corrupt the public conscience; and then, by pointing out the difference between the sphere of public and of private action. I did not place less value than Lord Stanley upon mental cultivation; but I thought its value depended upon its due subordination to moral

improvement. The devil had been defined as Intellect without principle;—anything which tended to impede moral for the sake of intellectual improvement was as mischievous as the due cultivation of the intellect was good. Lord Stanley thought that, if Sir Joshua Walmsley's proposal were agreed to, the Museum would come into competition with grosser excitements only, and not with religion or the Church. Of that I was not satisfied. I was very doubtful whether Museums or Picture Galleries would attract many of those who cared for, or by their circumstances came in the way of, grosser excitements; and also whether many of the more cultivated class who on Sundays might be drawn to those institutions would not be drawn away from churches or chapels which they might otherwise have attended. I could not help thinking, that it *would* be putting Museums in competition with religion, if the working-classes were invited to resort to them, by public authority, on a day hitherto consecrated to religion. Religious men, no doubt, might find "sermons in stones, and good in everything": but, if the question were referred to them, their voice, generally, would be against everything which might tend to secularise the Lord's Day. My conclusion was, that "there was a higher mode of educating the minds and the consciences of men, of elevating the moral sense of the nation, than the multiplication of means of intellectual improvement. That mode was, to hold up to them, and to keep before them, firmly and consistently, by public authority, a standard of sound moral principle by

which they ought to abide; and "that the law which upholds the institution of the Christian Sabbath does more to educate and maintain a sound moral sense in a Christian people than all the museums and picture-galleries in the world."

Sir Joshua Walmsley's motion was rejected by a majority of 328; the numbers being, for it 48, and against it 376. Nor have motions of the same character found, to this day, much favour in the House of Commons, where the feelings and interests of the working-classes are more directly represented than in the House of Lords. My speech was rewarded with commendation by many persons, some of them near and dear friends, others strangers. Goldwin Smith and Arthur Gordon (who heard me) did not agree with me; but they were nevertheless among those who most warmly praised it. Arthur Gordon told me of a vote, which to his own knowledge it had changed; and Evelyn Denison,—soon to be Speaker,—writing on the next day to suggest its publication in a corrected form, said: "I can tell you, that your speech had the rare effect of changing some votes, and of shaking the confidence of several of your opponents. With me it had the effect of strengthening my convictions."

CHAPTER XLVIII

CORRESPONDENCE WITH ARTHUR GORDON ON THE IRISH CHURCH

1856

I PASSED the long vacation of 1856, partly at Hornsea in Holderness, to be near my sister Eleanor Wood at Atwick, and partly at Malvern Wells.

TO THE HONOURABLE ARTHUR GORDON

5th September 1856.

I must say, Laura and I were both very much pleased with our visit to Lavington and with the Bishop's kindness; and I hope it will have the effect of increasing our intimacy with him.

After some flying visits we have settled down here to be as near as possible to an invalid sister of mine. There is a fine open beach of firstrate sands, which is a perfect paradise to our children; and a keen air, bracing enough to satisfy even my wife. Here, I vegetate simply; my reading has been Sir Robert Peel's *Memoir on the Roman Catholic Question*, Prescott's *Philip II.*, and Mozley on *Predestination* (which I recommend you to read if you have not already done so). As to Sir Robert Peel's *Memoir*, it neither raises nor lowers, but rather tends to fix and decide, my estimate of him. It is not fair to judge English statesmen without remembering the conditions under which they have to govern, viz. by such a complicated and unwieldy machinery as country gentlemen, middle-class town

constituencies, newspapers, parties, parliaments, etc. All these must be kept in order, if not in humour, and made to move, to a certain extent, when you move, and as you move; and, therefore, it is of no use to attempt, on the arena of the proper political profession, anything, which in point either of principle or of wisdom and foresight, rises much above the common level and the general apprehension of mankind. One is almost tempted to say that a great man must become a small one, to succeed in governing under such a system. If a real want is not *felt*, you cannot provide for it; it is difficult enough to keep yourself clear of the necessity of administering remedies like a quack doctor, to diseases which do not exist, but are only imagined; and for real diseases, however formidable, so long as they exist only in germ and tendency, you can do nothing; when they become acute, no remedies will be borne, but those which go directly to the removal of the present evils: and, if you perceive in those remedies themselves a tendency to generate remoter evils, you still must administer them, without taking even such precautions as might be practicable against their secondary effects, because these form no part of the present necessity which the people alone understand. It is a hand-to-mouth system of government; always behindhand with events, never forestalling them; committing the future in a spirit, not of faith, but of mere indecision, to the chapter of accidents; and practically reversing the maxim that prevention is better than cure. Sir Robert Peel's Memoir (I think I might have said his whole political life) is a striking illustration of these conditions of the system of government in England. He was too apt an administer for the system to be a really great man. I do not think it is possible, even for his most ardent admirers, to call him that, without setting up a very low standard of greatness, when, in this very Memoir, he vindicates one of the main acts of his life (an act, I should say, of the plainest justice and the highest policy), not because it was just and politic but merely on the ground of irresistible public necessity; leaving it to be inferred that he thought the resistance to that measure would have continued to be right, if it had continued to be possible; and it became wrong only because it was checkmated. I think, also, that there is an elaborateness, a want of pliancy

and nature, an almost forensic tone about the whole of this *Memoir*, which (though consistent with uprightness and eminent honesty, to the praise of which he is justly entitled) are not consistent with my notion of greatness. Of the other two books I have not left room to say much. *Philip II.* disappoints me. Mozley is admirable much beyond my expectation, calm, wonderfully distinct and lucid; philosophical; impartial too, which I should never have suspected in him. Do not be frightened at his subject, some of the principles he discusses have a much more general importance and bearing, than in their application only to this particular subject; in particular I think the distinction which he draws out and illustrates between those truths which are, and those which are not, capable of being *completely* apprehended by the human mind, is one of infinite moment and value, the disregard of which lies at the root of most theological errors and fallacies.—Yours most affectionately,

ROUNDELL PALMER.

While at Hornsea, I received a letter from Arthur Gordon, in which he gave an account of a visit of John Bright to Haddo. Mr. Bright's conversation had been vehement against the Irish Church; and its tone was reflected in his letter.

I remember (he said) that you once told me that you had a strong opinion with respect to the maintenance of the Irish Church. I should much like to have a talk with you on the subject again, for, the more I think of it, the more impolitic, unjust, and even immoral does the system appear to me. I believe that at the Reformation it was right that the Church property should remain with what was meant to be the National Church, though its numbers were diminished; and I believe that it was right to maintain that Church as long as there was a hope that it might *become* the National one. It is difficult to draw a line, and to point out the exact moment at which such a policy ought to have been abandoned; but, looking at things as they are, does the most enthusiastic Orangeman venture now to imagine that the Established Church of Ireland will ever

become the Church of the people? Would not exactly the same arguments, which are now used to justify the maintenance of the Irish Establishment, equally have justified the forcible retention of Episcopacy in Scotland in 1689? And would not the first act of an independent Irish Parliament certainly be the abolition of the present Established Church? —He added: If we admit the abstract injustice of the Irish Church, I do not think that we are justified in advocating its retention, as many do, upon the ground that its removal would weaken the Church of England.

This drew from me an explanation of my own views, in a long letter from Malvern Wells, on the 12th October 1856.

Now for the infliction which you invited, and which I have promised you, of an argument about the Irish Church. You shall have it under your own heads of (1) Justice; (2) Policy; and (3) Religion.

1. The argument from Justice would, of course, be decisive, if it could be made out. But I confess I do not comprehend it. I cannot perceive the *injustice* of allowing a religious community which has been in possession of certain property for nearly 300 years to remain in possession of that property. It may be unnecessary, or impolitic, or mischievous; but I do not see how it can be *unjust*. I can imagine that it may be unjust to take away from one man property that he has enjoyed for a long time, and to confiscate it to the public, or give it to another man; but how can it possibly be unjust *not* to do so? Does it make any substantial difference that we have here to deal with communities, not individuals? I think, none. Communities consist of individuals, and all those individuals derive benefit from the dedication of property to their common purposes. The argument from Justice ultimately rests upon the sense of right and wrong, as affecting individuals. Neither can it make any substantial difference, if it be assumed or conceded that the title of the possessors to the property in question originated centuries ago in some act of violence or injustice.

On whatever principle Divine justice may deal with nations, human and political justice certainly rejects the principle,

> Which visits ancient sins on modern times,
> And punishes the Pope for Caesar's crimes.

I conclude, therefore, that the idea of injustice, in this case, must be founded on some political axiom with respect to Church Establishments, either generally, or in a nation governed like ourselves, which you think true, but which I should probably dispute. Perhaps, on one or both of the following propositions: —(1) That Church property is "national property," and that, in the use or distribution of national property, it is unjust to be partial on sectarian grounds to a minority of the people:—and (2) That one Church, that of the majority, having been established in England, and another in Scotland, the reversal of that principle is unjust in Ireland, where the majority have the same right as in any other part of the United Kingdom. Both these propositions seem to me to rest upon a fallacy very common in politics; viz. that of substituting a theoretical and imaginary for a true historical basis of reasoning. In whatever sense it may be correct to say that Church property is national property, it certainly is not true in the sense necessary for the conclusion here founded upon it; a sense which starts with a sort of *tabula rasa*[1] notion of an unappropriated public property, receiving or expecting from time to time distribution from the hand of the State; which ignores the fact that the property is rather national because ecclesiastical, than ecclesiastical because national; and which transfers a principle, well enough suited to govern the expenditure by public authority of public funds raised by taxation, to a subject having no sort of analogy, natural or constitutional, to those funds. Church property is not levied from the people at large; it does not, and never did, pass through the public Exchequer:—if [the rent-charge representing tithe] were extinguished, the benefit would go, not to the public, but to the private landowners on whose estates it is for the most part an immemorial charge, and the great majority of whom, in Ireland as much as in England, are, and

[1] Blank sheet.

have been for the last two centuries, members of the Church now endowed with it. The question clearly is, not whether, if this were an unappropriated public fund, it would be just now to give it to its present possessors; but whether, having been appropriated for nearly three centuries to its present possessors by a permanent legal settlement, justice requires that it should now be taken away.

The second proposition, turning upon the supposed inconsistency between the Establishment of the Churches of majorities in England and Scotland, and that of the Church of a minority in Ireland, amounts to nothing, unless we are bound to assume that an *ex post facto* theory is equivalent to an *a priori* law. In each country, the Church Establishment, such as it exists, has been the result of a series of political circumstances, different and operating upon different materials, and thereby producing different effects in the different countries. Ireland never attained to equality of civil rights, until very long after her Protestant Church Establishment had been an accomplished fact; and she was well satisfied to be admitted to that equality upon the express condition of acquiescing in this as a fact, without regard to the supposed analogy of England or Scotland. It is obvious, too, that, under the present altered numerical relations of the population of England and Scotland to their respective Established Churches, the argument of injustice, if well founded on this majority theory, might be at once or very soon fatal to all the Established Churches of both Islands: which consequence, although no proof that it is not true, would relieve us from the necessity of considering the particular case of Ireland.

2. I will endeavour to look at the question of *policy* in a purely abstract and secular point of view, quite apart from any influence of my own religious convictions. This must be done under two alternatives;—first, the policy of mere destruction, abolishing the privileges of the Irish Church and secularising all its property, without substituting any other form of Establishment;—and secondly, the policy of substituting or attempting to substitute some other form of Church Establishment or endowment of religion by the State for the present Irish Church. Now, to justify the policy of mere destruction, a

decided balance of evil over good in the existing state of things, and a rational probability of correcting that balance by the mere abolition of the Irish Church, ought to be made out. It can hardly, I think, be contended (from a purely civil point of view, at all events) that the influence of Protestantism, as represented by the Established Church in Ireland, is *in itself* evil; or that an endowment of less than half a million a year, if distributed among the clergy to the best advantage, is incapable of being usefully employed upon the work which that Church does or undertakes to do. Allowing that there is some inconvenient vehemence of party spirit among the Irish Protestants, it must be admitted that those elements of society in Ireland which are attached by religious sympathy to England and Scotland must be always, as they always have been, better affected towards the Imperial Government than those which have no such sympathy; and that, if the influence of Protestantism could be materially extended or become predominant in Ireland, this would, more than anything else, consolidate and give reality to the Union between the two countries. Such a consolidation of the Union would clearly be for the social and political interest of Ireland herself. But not only so:—the same process would tend to remove one main cause of that separation of interests and feelings between the proprietors and cultivators of the soil in Ireland, which has been hitherto so fruitful a source of evil. And, although the superiority of Protestantism, as a civilising power, over Romanism, may easily be (and often has been) exaggerated, yet I do not think it can seriously be denied that such a superiority does to a considerable extent exist, in Ireland as well as elsewhere. It is impossible, therefore, for a statesman to regard the maintenance of the existing Protestant influences in Ireland,—to whatever extent they may really be dependent upon the endowment of the Established Church,—as, upon the whole, prejudicial or of no value to the State:—on the contrary, he must look upon their extension, if practicable by fair and just means (whether a thing to be expected or not), as a positive good. And I cannot agree with you in thinking that the signs of the present times are such as altogether to negative the probability of such an extension. The change which has passed over Irish society

since the famine, and the exhausted state of political agitation there, indicate that the particular influences which were formerly identified with Romanism in Ireland have lost much of their power. It remains to be seen whether the more spiritual and intelligent Romanism of the new *régime* will be able to obtain or to keep an equally strong hold upon the lower classes. For myself, I greatly doubt it. The problem will have to be solved in connection with the working of an improved secular education, and (as we trust) increasing material prosperity. Already the numerical proportions between the Protestant and the Roman Catholic populations of Ireland are materially altered in favour of Protestantism; and the success which has attended the Irish Church Missions in Galway, Clare, Limerick, etc.,—whether dependent entirely on spiritual, or in part also on temporal influences,—is an element in this part of the question, not to be disregarded; as is also the acknowledged fact of the inconstancy to their own Church of large numbers of the Roman Catholic emigrants from Ireland to the United States. A time when such changes are in progress certainly does not appear to me peculiarly to invite, on grounds of policy, the simple destruction of the Irish Church; unless, on the other hand, its existence creates such an extreme and dangerous irritation in the minds of the Roman Catholics, as to make its suppression, though not desirable for its own sake, expedient as the least of two evils. But of this I see no sign. It is a remarkable fact (and I think quite inexplicable, if any such great irritation had existed), that, although the Irish Church has been habitually denounced by English Liberals of various classes, in Parliament and out of it, during the last twenty years and more, as an unparalleled abuse and anomaly, the Irish Roman Catholics themselves have been, in this respect, very much like the Knife-Grinder, "whom no sense of wrongs could move to vengeance." There has been repeated and systematic agitation in Ireland for almost every object, possible and impossible, from the Repeal of the Union down to Tenant-right. But hitherto there has been no serious agitation for the suppression of the Established Church. Even if there did exist great irritation on this point among the Roman Catholics, I should still think,—not being convinced by your argument from *justice*,—that a statesman, before he yielded to

that agitation, would be both entitled and bound to put in the scale and weigh in the balance against it the value to the whole United Kingdom of the other Established Churches of England and Scotland, and the degree of peril in which they might be placed, under the actual conditions of English and Scotch society, by the simple suppression of their Irish sister. However weak a part of the existing system of Church Establishments the Irish Church may be, it may perhaps be true of this as well as other powers which have to bear a constant pressure, that *the whole* is only as strong as its weakest part.

I come now to the other alternative, viz. the substitution of some other form of Church Establishment, or of endowment of religion by the State, in Ireland. As to which, there may be two questions to consider: (1) Is it expedient, if practicable? And (2), Is it safely practicable, if otherwise expedient?

For the argument's sake, and remembering that I am now upon the head of mere secular policy, I will concede the first point,—which I do the more readily, when I remember that Mr. Pitt, Sir Robert Peel, the Duke of Wellington, Lord Grey, and (I think) your father also,—in fact, every British statesman of modern times who has acquired the habit of looking at this question in its purely political aspect,—have all agreed in the conclusion, that some sort of endowment of the Roman Catholic Church in Ireland would be expedient, if it were practicable. If I think otherwise, it is under the influence of my own particular views as to the probable effect of such an endowment upon the interests of *religion*, and upon the moral attitude of the State with respect to those interests:—considerations into which I propose to enter under another head, and to exclude them entirely here, by supposing, for the moment, that their hearing might either be favourable, or at least not adverse, to the change.

But would such a substitution be practicable, and can it be attempted without the risk of evils or dangers sufficient to outweigh the expected benefit? That is the question,—to which my answer is decidedly in the negative. As to the mode of the change, there is practically no *medium* between the simple Establishment of the Roman Catholic Church in lieu of the present Church, and the plan (which you suggest) of distributing

the Church revenues equally among all the religious bodies in Ireland, in the ratio either of numbers or of their own voluntary contributions, or in some mixed ratio compounded of both those elements. No plan of Roman Catholic endowment could now seriously be regarded as a final settlement, which maintained in favour of the Protestants either a superiority over the Roman Catholics, or an absolute equality with them irrespective of numbers. And, if the present Church were displaced from its possessory title, and Roman Catholics admitted to a share of the Church endowments at all proportionate to their numbers and political importance, the Presbyterians could not be expected to acquiesce in any plan which would continue to give the Protestant Episcopalians any advantage or preference over themselves. The choice, therefore, would be between an exclusively Roman Catholic Establishment, or a scheme of general comprehension, such in principle as you suggest. If the analogy of the Established Churches of England and Scotland were regarded, it would be in favour of an exclusively Roman Catholic Establishment. If we lived under an absolute monarchy, this might be possible; but nobody, I suppose, will imagine it to be possible under the system of Parliamentary government, with the balance of political power in the United Kingdom so entirely on the Protestant side, and the Protestant feeling in England and Scotland so sensitive and excitable as it always has been and is at the present time, and in face of the general hostility of the Dissenting interest, which is essentially Protestant, to all Church Establishments.

The scheme of general comprehension, while it departs from the analogy of the Established Churches of England and Scotland, and (if carried into effect) would furnish a precedent and principle tending to the subversion of those Establishments and to the adoption of a similar scheme of comprehension throughout the United Kingdom,—could not be so applied in Ireland as to escape from the difficulties which render an exclusively Roman Catholic Establishment impracticable. If, indeed, that principle were first adopted and given effect to in England and Scotland, its adoption in Ireland might be acquiesced in as a natural consequence, for the sake of uniformity of system, and because of the manifest unfairness (under those

circumstances) of a different course. But an attempt to introduce it in the first instance and exceptionally into Ireland, where the effect would necessarily be to give the Roman Catholics a largely preponderating share of State support, in proportion to their numbers, would be received by the collective Protestantism of the whole United Kingdom with an amount of hostility, scarcely less than that which a plan for the exclusive establishment of Romanism would have to encounter. Roman Catholic Emancipation was only carried because the demand for it in Ireland had acquired such enormous force, and was backed by so large a proportion of the Scotch and English constituencies and representatives, as to make Parliamentary government without it impossible. But even then, Sir Robert Peel and the Duke of Wellington, though manifestly favourable to the principle of Roman Catholic endowment, and thinking it a very desirable (if not necessary) complement to the measure of Emancipation, felt that their whole policy might be placed in peril, if they were to encumber it with the addition of an element so likely to alarm the religious feeling of the country. At that time, the power of the Dissenters, and their hostility to Church Establishments and endowments in general, had not received the developments which they have since acquired; and the natural reaction of generous feeling towards the Roman Catholics, after a long period of unworthy political proscription, had not subsided into the normal attitude of hostility, congenial to Protestantism always, and now sharpened by the unexpected vitality and aggressive power which the Roman Catholic Church has manifested in Great Britain since Emancipation. Instead, therefore, of the large body of Liberal members who were sent by the Protestant constituencies of 1829 and previous years to support Emancipation, you would find almost every popular as well as every Conservative constituency in Great Britain sending up members pledged to oppose the Establishment of Popery in any form. And, on the other hand, what is there to take the place of the irresistible demand from Ireland which carried Ministries and Parliaments before it in 1829? The Roman Catholic Church in Ireland is itself either opposed to all projects for its own endowment by the State (because its rulers are naturally and reasonably jealous of the influence and control

which an essentially Protestant State would either stipulate for or expect to obtain in return), or, at the very least, so reserved and far from enthusiastic upon the subject, as to make it quite certain that the Minister proposing such a scheme would do so without the plea of *necessity*, and without the stimulus and support of any powerful popular movement. Under these circumstances, he would necessarily fail, and would be unavoidably thrown back upon (or at all events would be practically forwarding, whether he intended it or not) the policy of mere destruction. And the very agitation of such questions would do incalculable mischief, by stirring up, and mixing with the current politics of the day, a more bitter infusion than ever of controversial passions and alarms.

3. I come, lastly, to the religious view of the subject. It is difficult, and perhaps neither necessary nor profitable, to analyse very clearly the *feelings* on this point, of the existence and power of which one is, nevertheless, extremely conscious. Whether it is instinct, or reason, or mere prejudice, which revolts against any scheme of simple confiscation of Church property to secular uses as sacrilege and impiety, I will not undertake to say: but whatever it is, I feel it. It is possible that there are circumstances in which I ought not to feel it; perhaps even, in which I should not. But there is nothing in the present circumstances of the Irish Church, or in the character of its religious system, to make me see in any other light any plan for the mere *secularisation* of *its* property.

With respect to State endowments and Establishments of religion, I am no great lover of them; the good they do is never unmixed, and it may sometimes, even when the religion so endowed is most true, be problematical whether they do more harm or good. It is, however, one thing not to *create*, and another thing to destroy. Judging from past experience, I am much inclined to think that the moral deterioration, the loss of spirituality, discipline, and expansive power, which the Christian Church in all countries has suffered from this sort of connection with the State, is more than an equivalent for the obvious advantages of a permanent occupation of whole countries by a settled diocesan and parochial system, with competent endowments. Where, however, this system has been long established,

and has taken root in the soil, it is not readily separated from the life and working power of the Church which has been organised under it. Its violent abolition would cast adrift, and deprive of all pastoral care and regular religious observances, numbers of poor humble Christians, especially in those rural places where its present influence is greatest; and it by no means follows that the lost spirituality, discipline, and expansive power would be recovered, when the benefits supposed to have been a compensation for those losses were taken away. Therefore, I should dread the responsibility of destroying an Established Church, even if it were in many respects an imperfect representative of the truth; although, if it had been a question of originally creating such an Establishment, I might have thought it better not to do so. Besides which, it must not be overlooked, that there is a natural—perhaps irresistible—tendency towards the growth of Endowments and Establishments, under such circumstances as those out of which all our existing Church Establishments actually sprang. When the profession of Christianity, without dissension, had become universal in a nation, such institutions were the spontaneous product of a genuine belief on the part of the community and its governors. Having thus their historical root in a true religious spirit, they became and have been, in a real and practically influential sense, symbols and instruments of public national religion. The State gave to them (as it received from them) a moral, and not merely a material support; it bore witness in them to God,—not "*the people*,"—as the source of legitimate power; and it did so in a consistent and undivided form, adopted, not passively as the accidental result of individual liberty of thought, but conscientiously, as the authoritative expression of Divine Truth. Religious Establishments, so originating, retain as long as they exist something of their original character. There is a religious spirit about them; and therefore (I am willing to believe it) a religious influence, with whatever subsequent excrescences, inconsistencies, or abuses, they may be defaced:—a spirit, which I do not believe it would be possible ever to communicate to Establishments comprehensive of various forms of belief and worship, founded under the modern system of Parliamentary government upon a principle

of indifferentism, and in an age of disunion. Far better, in my opinion, would it be for the interests of religion to have no Church Establishment at all, than to create new Establishments of that sort in the present day:—better for the State to leave the entire work of religious organisation to voluntary agency unassisted, than to offer a material without a moral support, to patronise religion not religiously, and to back all parties alike in the arena where Truth and Falsehood are contending, as if there were no Falsehood and no Truth. By such support I think (agreeing in this, I suspect, with Bright) that all the religious bodies would be degraded and enervated, the progress of their religion retarded rather than advanced, and the State not hallowed or elevated. The example of France, in which something like it has been tried, does not appear to me (though this may be prejudice) at all to recommend it. But, indeed, the experiment there is not yet by any means fully worked out, and it has been hitherto tried under Governments very unlike ours.

I will stop here—not too soon, you will say; for you have got a pamphlet and not a letter, with nothing very new in it, after all, and yet leaving (as I myself see, and as you will, I am sure, be acute enough to see more than I do) many points untouched, which would be necessary to complete the argument and to meet obvious objections to which it is open. Still, I think it will put you, upon the whole, pretty fairly in possession of my general view of the matter, which (being a decided one) has been expressed decidedly; but would not, of course, have been expressed at so much length, if I did not feel great intellectual respect, as well as affection, for one (at least) of the many friends who may differ from me upon it.

The questions discussed in this letter were not argued out between us; though Arthur Gordon, in replying to it, illustrated (in a way not convincing to me) his opinion on the point of *justice*, and differed from me as to some matters of fact, such as the effect of the Famine on the numerical proportions of Roman Catholics and Protestants in Ireland, and the success

of the Irish Church Missions. He also thought it a mistake to suppose that the Irish people were indifferent to the existence of the Established Church in Ireland; on the contrary, he "took it to be the real cause and root of the agitations which we had seen there." Neither of us, I think, went further into the subject, or recurred to it, until it became practical in 1868.

CHAPTER XLIX

THE POLITICAL SITUATION AFTER THE END OF THE CRIMEAN WAR

1856

EARLY in November 1856 Sir John Jervis, Chief-Justice of the Common Pleas, died; and it was uncertain by whom he would be succeeded. If Cockburn preferred to remain as he was, Bethell might become Chief-Justice; and in that case, if the new Solicitor-General were taken from the Equity Bar, it was not impossible that the office might be offered to me. The Chancellor was my friend; and Lord Palmerston had more than once shown a disposition to take "Peelites" into his administration, if willing to serve under him.

I thought the occasion a convenient one for considering the general political situation; and during the interval between the death of Sir John Jervis and the 19th of November, when Cockburn accepted the Chief-Justiceship, I took counsel with Cardwell and Arthur Gordon.

To Cardwell I wrote :—[1]

[1] 3rd November 1856.

The vacancy which has just happened upon the Common Law Bench will probably be filled by either the Attorney or Solicitor-General. . . . I should think Cockburn would accept the place, although many people doubt it, relying upon the sincerity of his own declarations in past times, that he would take nothing less than the Queen's Bench. If he does, the Solicitorship will of course go to a Common Law man. But if he should refuse, and Bethell take it (which I can quite fancy to be possible on Bethell's part, though perhaps not most probable), the contingency would become a practical one of the Solicitorship being offered to me. I do not mean to say that I think it *would;* for I have held myself too independent of the Government to have or profess to have any claim upon their consideration; let alone the question, whether they might not, in other respects, do better. But still, the thing would be upon the cards; and it has occurred to me that it would be just as well to know beforehand what I should do in such a case. . . . You know that my wishes would have been to see a real Conservative party, such as Sir Robert Peel was at the head of, reconstituted, and to act with such a party, if that had been possible. But I have ceased to think that the elements for the formation of such a party now exist.

I need not say how greatly I prefer Lord Aberdeen and his friends to the present Government. But the question may be, whether there is any real prospect of Lord Aberdeen and his friends maintaining an independent position for any length of time with effect, so as to give them a chance of doing anything, without fusion with one or other of the political combinations which surround them? The fact that they held office before only on the terms of coalition with the Whigs, is material. The only one of them who has shown the least disposition to unite with the present Opposition is Gladstone. According to the best judgment I can form, their destiny seems to be to coalesce, either as units or in the aggregate, with what is popularly called the Liberal party, either under Lord Palmerston or under Lord John Russell, or (perhaps) Lord Grey. To me it does not much matter whether under Lord Palmerston or Lord Grey. I could endure either of them; and perhaps (foreign politics apart) should prefer Lord Palmerston, as being the more Conservative of the two.

If this is the prospect, the reasons which might tell against my accepting office, if it came in my way (which I had rather it did not), would perhaps be personal rather than political. Still, personal reasons, in such a case, would with me have great weight; nor am I so ambitious of office as to repine very much, even if the consequence should be to lose an opportunity which —considering my particular position and the peculiar conditions of professional office—might possibly never occur again.

I have written freely the thoughts which have occurred to me, as they passed through my mind. And now if I may ask so much from my oldest and best friend (in this walk of life, at all events), I should like to have your thoughts in answer, as freely.

Cardwell answered me on the 6th of November:—

Had your letter reached me yesterday, it would have found me at Haddo, opening to Lord Aberdeen all the views which I have been able to form upon the duty of a member of his party, in case office should be offered by Lord Palmerston during the recess. I need not assure you how much I am interested in what you say; and I will reply to it by a statement of facts.

A short time ago, a conjecture was reported to me,—a mere conjecture,—that I was myself likely to be in the situation to which I have referred. I did not admit the likelihood of the conjecture:—on the contrary, considering that I had once, under other circumstances, declined, I thought it improbable. But the mere circumstance of its being mentioned called upon me for that frank declaration of my views and feelings which it is always my desire to make from time to time to Lord Aberdeen.

I told him that I thought "our strength was to sit still"; and, as I had done, so I should do, *nothing* but remain quiet, so far as any voluntary movement of my own was concerned. Beyond this, I said it was not in our power to remain quiet longer than others chose to permit; that an offer must have an answer; and that acceptance or rejection was an important fact, whichever might be the side of the alternative actually adopted. I avowed that, if compelled to move either way, I should move towards the Liberals, and not towards the Tories. Such being my resolve, I pointed out to him that, in my case, there would

be serious difficulties in the way of rejection of office. To say that I was unwilling or unable to discharge its duties would be, at my age and in my circumstances, impossible. To say that I would not enter upon conversation with Lord Palmerston, was to separate myself from the main body of the Liberal party. What other body should I be preferring? If Gladstone,—then I was adhering to that statement of his, made last Session, that he was ready to combine with the gentlemen opposite, with a view of transferring power to a new party of which he and they should be members; and to such a combination I had no intention of adhering. I pointed out, that, if I entered upon parley at all, it must be with a sincere intention of joining Lord Palmerston's Government unless something arose in the conversation which presented a real obstacle on grounds of public interest. That there is sufficient risk of collision to arise from any of the Foreign questions now pending to make those questions grounds of separation, I could not anticipate. I frankly added that I could not give my adhesion to mere names; and that, however much I should prefer acting with Graham and Gladstone to any other persons, I must have a ground of public good openly stated to my constituents, or others whom it might concern;—in other words, that my own opinion of the exigency of the case, and not the authority of others, must be my guide.

I said I had no other wish than to see the members of his party remain united;—that I would gladly support Gladstone as leader of the House of Commons, in office under him or out of it;—but that I should wish the patronage of the Church to be in hands, like those of Lord Aberdeen himself, free from that bias which Gladstone obeys, and from which my feelings and my convictions unite to keep me free.

The upshot was that present circumstances do not necessitate a separation; that I should regret any circumstances which should; that I thought such circumstances might at any time arise by the act of others; and that, in any new situation in which I might find myself, I should endeavour to form a correct judgment as to the duty entailed upon me, and I should act upon that judgment, not yielding my own opinion to the authority of others.

In the course of the conversation I reminded him that when

Lord John Russell asked me to join his Cabinet in 1852, I declined upon the express ground that I would not join *alone;* and that I should have been ready to make the same answer now to Lord Palmerston, had I reason to believe that the older members of the party would accept an overture, if by such answer on my part Lord Palmerston should be induced to make it. I have, however, no reason to believe anything of the kind; but, on the contrary, I believe that they would regard as an unfriendly act anything which led Lord Palmerston to apply to them. The truth is, they have feelings towards Lord Palmerston which I do not entertain,—at least not in the same degree with them. This may, perhaps, not apply to Herbert so much as to the others.

And, now that I have finished my long report, you will have collected my thoughts so far as I am able to express them,—so far as they are yet formed in my own mind. Your adhesion to the same party to which I may myself adhere would be, on every ground, political and personal, an object so dear to me, that I ought to be proportionately careful lest my selfish feelings enter into the question, when you allow me the position of an adviser. But I must say that I think, with you, the prospect of a Conservative reunion quite chimerical at present. The fraudulent dissolution of 1852, as Protestants in Scotland and Papists in Ireland, Free Traders at Liverpool and bread-taxers at Stamford, together with the Beresford and Stafford exposures and the subsequent conduct of Disraeli in the House of Commons, will never be forgotten by the country. Sir James Graham will not lead, even if the party invite him to be their leader. Gladstone will be rejected by more than a hundred of those now called Conservatives;—indeed I doubt whether half the Tories do not prefer the present Government to a combination led by Gladstone. Gladstone has no relations that I know of with the Tories, and will not form any (as I believe) with Palmerston. This being the state of things, I intend to adhere more and more to the general policy of the party in power—acting with my friends as far and as long as possible, but, if need be, without them. I have no fear of extensive or democratic changes from a Cabinet composed as this is; my fear rather is that, from the feebleness of its composition, the timely changes which a truly

Conservative policy requires will not be successfully accomplished in their hands. If other persons, when fairly invited, will not give their assistance, are they not in some degree responsible for that feebleness, and for the consequent failures? To yourself personally, I can add nothing. Law Reform is to be the question of next year, and it can only prosper in the hands of good Law officers. If I mistake not, some time will yet elapse before all these changes are made; and I expect an early summons from my constituents, which will bring me to the South.

I replied, on the 14th of November :—

As far as your own course is concerned, I should have divined that it could not long be in suspense; and that, when circumstances called for a decision, it would be in favour of co-operation with Lord Palmerston so far as domestic policy is concerned, unless (which was most unlikely) any better "Liberal" arrangement could be brought about. I think you have done well, both to bring your own mind to the point, and to communicate freely upon the subject with Lord Aberdeen.

I am apprehensive, however, that there may be more difficulty in the way of the same practical conclusion with me than with you; and perhaps it is just as well that I am likely to have rather more time, at all events for consideration; though I should certainly be glad to be able to make up my mind, one way or the other. What I am afraid of, with respect to the present or any similar Government, is, that they may bring in, as Government measures, bills on subjects of moment (*e.g.* relating to the Church, Education, or the like), which I could not honourably or conscientiously support. And, on the other hand—though it is possible, for anything I know, that Gladstone may favour more extreme High Church views than any which I hold, and may be affected by party influences in church matters from which I believe myself free—I cannot say, like you, that I should anticipate any difficulty in co-operating with Gladstone on account of his ecclesiastical opinions. If, therefore, I should be compelled ultimately to conclude that any junction between myself and a Government like Lord Palmerston's would be very precarious as to its duration, it might be necessary, even at the

risk of perpetually excluding myself from office or from Parliament, to decide against making the experiment.

Arthur Gordon wrote to me from Haddo an account of Cardwell's visit there, and of his conversations with Lord Aberdeen, corresponding with Cardwell's own. This drew from me a long letter to him,[1] in which I entered into the subject more fully than I had done to Cardwell.

I certainly cannot help agreeing with Cardwell in thinking the present position eminently unsatisfactory. It is uncomfortable, if one meddles with politics at all, to be like Mahomet's coffin, nowhere,—neither in heaven, nor upon earth. It is unpractical and discouraging; especially to a man whose judgment has not concurred in, and who has been passive *malgré lui* under the several critical steps of which that situation is the result. For example:—When Lord Derby's Government was formed, I should have preferred sitting below the gangway on the Ministerial side, where we now sit, to occupying the corresponding place on the Opposition side; and I then wrote to Cardwell a long letter[2] (which was, I know, seen by Gladstone and the Duke of Newcastle, and possibly by others), urging strongly the policy of keeping on as good terms with the Conservative party as possible, consistently with the plain duty of a strict adherence to Free Trade and sound principles of Finance; —looking to an eventual reunion with that party under better leaders as the thing most desirable, and remembering Aristotle's maxim, μισεῖν ὡς φιλήσοντας;[3]—(I did not, and could not, adopt its other part, φιλεῖν ὡς μισήσοντας).[4]

The opposite course, however, was taken, and prominently by

[1] 9th November 1856.

[2] Chapter xxxix. *ante*, p. 133.

[3] "To hate, as those who may at some future time love."

[4] "To love, as those who may at some future time hate."—(The maxim should not have been quoted as Aristotle's, but as that of Bias of Priene, one of the Seven Wise Men of Greece; which Aristotle quotes. —*Arist. Rhetoric.* ii. 13.)

Gladstone;—with the necessary consequences, of drawing upon our friends generally, and upon him especially, the bitter enmity of all strong party men upon the Conservative side throughout the country;—of giving point and venom to the distrust of Gladstone on theological grounds which a considerable section of that party might under any circumstances have been predisposed to entertain;—and of rendering any future junction with them on his part an operation attended with great risk of personal and political reputation.

The Coalition Government naturally, and perhaps unavoidably, followed—driving the nail home in the same direction. I never liked it; it was, in truth, the opposite alternative to that which I had wished for. An Aberdeen Government upon a Conservative basis, resulting from a failure of the Derby party to govern alone even when handsomely treated by Sir Robert Peel's friends, might have been (who can tell?) as strong as Sir Robert Peel's own. But an Aberdeen Government based upon Russell, Palmerston, Molesworth, Osborne, Hayter, and their party or parties, was a fairy palace built upon a quicksand.

I told Cardwell beforehand that the fate of those who so committed their political fortunes to the keeping of yesterday's enemies,—enemies willing to serve to-day for the sake of to-day's object under the rivals of many years, but sure to chafe under the intellectual as well as official superiority of those rivals, and to recollect upon every convenient opportunity that the rank and file were their own,—would be no better than that of Coriolanus; only without the consolation of saving Rome.

Again; the events which led to the dissolution of this combination involved on the part of our friends a course as much opposed to my own feelings and judgment, and certainly in the end as prejudicial to themselves and their followers, as those which led to its formation. They became responsible for the commencement and conduct of a war, as to the objects and policy of which their views proved eventually to be widely different from those of their less scrupulous colleagues, and of the people, when excited by the passions which a war was sure to call into play. They fell, therefore, without the benefit of the moral position which would have belonged to them had

they gone out rather than undertake the responsibility of such a war. And, leaving office by a vote of Parliament owing to public discontent at the conduct of the war, and not of their own free will owing to differences from their colleagues as to the terms on which peace should be made, their subsequent advocacy of peace, before the public mind was prepared for it, became exposed to the imputation, however unjust, of inconsistency as well as want of patriotism.

Since that time, their course in the House of Commons has tended to enlarge the breach between them and their late colleagues and the (so-called) Liberal party in general, without any real approach, that I can see, towards the reconstruction of a Conservative party. Isolation has become more isolated. The leaning, on the whole, according to popular apprehension, has been as much towards Radicalism as to the opposite side; —if, indeed, it be not mere child's play and an idle abuse of words to talk about Liberalism, Conservatism, or Radicalism at all, when political opinion upon the generality of subjects has reached such a dead level as it has at present, and on those subjects on which it has not reached a dead level is in so absolutely chaotic and disorganised a state.

Under these circumstances, what is a man like myself to do? Am I, if I continue in Parliament, to govern my course merely by personal sympathies or antipathies (sympathies have a strong tendency to influence me, antipathies none at all), or to look about, judge of the future, and hold myself open to combination, either with the party actually in power, or with some other party capable of aspiring hereafter to succeed them? Or (which would be a middle course) shall I denounce definitely all ambition to co-operate in office with any possible Government, and be content to do the best I can as a man to whom power is no object, and combination with others unnecessary? This question might at any moment become a practical one to me, if a vacancy happened in the office of Solicitor-General for which an Equity man would be eligible; because it would be affectation on my part to pretend not to know, that on professional grounds I should have higher claims to supply such a vacancy than any other man equally near with myself to the politics of the present Government: and, although I have

held myself far too independent of the Government to have any political claim upon them, yet on the other hand I have voted with them, as a general rule; and the Lord Chancellor, Sir George Grey, and some others among them, are my personal friends. The offer of the Solicitorship might, therefore, under the circumstances which I have supposed, possibly be made to me; and it will be just as well that I should have settled in my own mind beforehand what I would do, if such a thing were to happen.

Now, when the present situation comes to be analysed, I cannot say that I find in it the *nucleus* of any future arrangement which would place our own friends, as an united body, in the position in which I should desire to see them. Confining myself to the House of Commons, I see Cardwell evidently attracted to the party now in power, and certainly more in agreement with them on all subjects relating to the Church than with Gladstone. Evidently, *he* will follow that bias; it is only a question (as you say) of time. Wortley[1] will certainly go the same way. You call yourself a Radical,—testimony which I accept against yourself only to this extent, that you can hardly now be in a position to throw yourself into the Conservative scale. Sir James Graham and Herbert are (as far as one can trust the indications which they give) as remote as ever from a Conservative combination; nor does there seem to be much reason (personal antipathies and foreign policy apart) why they should not act as cordially now with the Liberals as they did or were willing to do when Lord Palmerston first formed his Government.—If, therefore, Gladstone is really inclined towards union with the Opposition benches, there seems to be nobody who would go with him (I lay myself, for the present, out of the question), except Robert Phillimore, and perhaps Lord Elcho and the Herveys. This would be no great accession of strength to the Opposition, to set against the personal antipathy which

[1] James Stuart Wortley, third son of the first Lord Wharncliffe. He was Recorder of London; and, a few days after this letter was written, accepted the post of Solicitor-General, which, however, he held only for a few months:—being a candidate, after the dissolution of 1857, for the West Riding of Yorkshire, in the Conservative interest.

so many of them have to Gladstone. He would bring, indeed, his own splendid powers; but their moral weight would be much broken in the opinion both of the House and of the country, which esteems variableness in political attachments to be the cardinal sin of a statesman. And after all, Gladstone, with all those qualities which make one admire and love him, baffles all calculation by the great individuality of his mind; at once conscientious and ambitious, subtle and vehement, impulsive and discriminating. He is a comet, the elements of whose orbit are as yet but imperfectly known. It is a great question with me, personally, whether or not to commit myself to him for better or worse. I think I could decide to do so, if it were merely or mainly a question of my own ambition or self-interest. But, unfortunately, I have a perverse habit of thinking for myself, and a conscience, which when I have formed a decided opinion upon any matter of real consequence, drives me to act upon it. I have found myself differing from him before, and I may do so again. Even upon Church questions, on which we go a long way together, I doubt whether I am not a good deal more Protestant than he is. It is one thing to follow such a man as the guiding and animating spirit of an organised intelligible party, and another to go with him as the centre of gravity of a few atoms projected into infinite space.

My own wishes have undoubtedly been (almost to the present time) for a Conservative reunion. But then, by this I have in my own mind *meant* a reunion founded on a common Conservative principle, and not merely on a common antipathy to the Government of the day. The Conservative principle, also, which I have had in view, has been an enlarged and liberal one; and the reunion, to be of any use, must either comprehend or have a prospect of comprehending, upon a cordial and manageable footing, the whole strength of Conservatism in the country. This vision has been gradually fading away from my eyes, and is now all but extinct. It is evident that *Spoonerism*[1] and Puritanism, the spirit of the *Standard* and *Morning Herald*, and of the "National Club," have effected a permanent lodgment

[1] Mr. Spooner, then M.P. for one of the constituencies in Warwickshire, was a political Protestant of a strong complexion.

in the Conservative body, from which there is no hope of ejecting them. Constituent-worship, a thing utterly opposed to all real Conservatism, has also become a prevailing idolatry in the Conservative camp, as well as on the other side; and this will bind numbers of men to the Exeter-Hall alliance, at every election, who hate it in their hearts. Under these circumstances, it is impossible to hope that the general body of them would ever give their confidence to Gladstone (even if the ghost of Puritanism could be appeased), or act either in a Liberal or in a really Conservative spirit on questions involving the doctrine of Toleration on the one hand, or Church principles on the other. It is more than probable that the mere adoption of Gladstone as a leader by any considerable part of the Opposition would at once carry over to Lord Palmerston the avowed support of another section, who, if not equally numerous, would be much *too* numerous and too influential in the country to be easily spared. And, little as I am governed by antipathies, I cannot leave out of sight, in such a calculation of the future, the sinister influence of an adventurer like Disraeli upon the character and fortunes of any party with whom he may be associated, and the total impossibility of either getting rid of him altogether, or safely throwing him into the background. Altogether, I suspect it to be nearly certain that the attempt at reunion would be a failure; that the party would continue to be, as at present, incoherent, ungovernable, and Conservative only in name; and that the result would be rather to strengthen than to weaken Lord Palmerston's Government. To be once safely re-established upon the same benches with Cecil,[1] Sir W. Heathcote, Walpole,[2] Northcote,[3] and other friends, with whom perhaps I best agree, would be a great pleasure to me, if it did not involve the loss of my usual seat by your side; but in a political point of view I should now take the step,—if I took it at all,—with great misgiving and distrust of its consequences.

Then, I ask myself this question: If so, what, after all, is the extent of my political difference—I mean, on domestic questions

[1] Lord Robert Cecil, now Lord Salisbury.

[2] Rt. Hon. Spencer Horatio Walpole, then M.P. for the University of Cambridge.

[3] Sir Stafford H. Northcote, afterwards Lord Iddesleigh.

—from Lord Palmerston? Is it greater than might, and probably would, exist between me and any Government that can be formed? Is not the domestic policy of this Government (for one depending on the support of the Liberal party) Conservative in the main? Will it not have a tendency to become more so, rather than less, if men who are Conservative in a Liberal sense support it? If I can support, may I not, if invited, co-operate with it? Will it be safe so far to trust myself as to believe that, if a difference afterwards arose upon any point of principle, I should have courage to retrace my steps? May or may not differences on points not of principle be honourably yielded? Would not a refusal to co-operate with this Government, under such circumstances as I have supposed, be equivalent to self-exclusion, for a considerable time at all events, from any Government depending upon the general support of the Liberal party which may succeed it? For, any such succeeding Government would be likely to be formed under circumstances consistent with the continuance in office of the general body of those who had belonged to this, whatever changes might take place in the higher stations. And even the most attached friends of a man who had declined office (of that peculiar and exceptional kind for which alone I am eligible) under Lord Palmerston might find themselves compelled to retain the men they found in it — just as your father was obliged to have Cockburn for his Attorney-General when he formed his Government, because he was the last Attorney-General of the Liberal party.

I have written all this down, to invite discussion of the subject. If you were to think that a particular answer was implied in all these questions it would be a mistake. I have not answered them yet to myself; and I wish to let in a little external light upon my own mind and conscience, by the aid of a friend who understands both me and my position. Fortunately (for so I think it), there is little or no chance of a vacancy for an Equity lawyer occurring at the present moment; and perhaps the course of events hereafter may supersede the question. It is, however, one which *may* become practical; and it also connects itself naturally with another, viz. that of my remaining or not remaining in Parliament.

Arthur Gordon answered me, that, so far as domestic matters were concerned, he saw nothing to prevent his father's political friends from serving under Lord Palmerston, and that this was the direction in which they might most naturally move. But he thought that Lord Palmerston's foreign policy would retain the character which had marked it for at least twenty-five years, and that its errors were essential, not accidental. He went at large, in another letter, into the actual state of Foreign affairs at that moment—in the Black Sea, where the British Fleet was making a demonstration in consequence of the difference which had arisen with Russia as to the new Bessarabian frontier—in Greece, in Persia, and elsewhere. If I were a member of the Government, I should have to defend all those things. On those grounds, he was adverse to the acceptance of office at that time under Lord Palmerston, by any one who could not satisfy himself that the policy pursued towards Foreign States would be conciliatory, moderate, and just.

Events were at hand which justified that opinion. The China war, and the Dissolution of 1857, thinned the ranks (scanty enough before) of the "Peelite" party in the House of Commons, and increased for several years the distance between them and Lord Palmerston.

CHAPTER L

THE SECOND CHINESE WAR, AND ITS CONSEQUENCES

1857

Our wars with China may, in their results, have been productive of some benefit to that country, as they certainly have to the commerce of Great Britain and the world. But they are not a pleasant chapter in our history.

In the days of the trade and monopoly of the East India Company, China was accessible to European ships at two points only, Canton, and the neighbouring Portuguese settlement of Macao. The "Hong" merchants (as they were called), who were licensed by the Chinese Government to carry on the trade with Europeans, bore a high character for probity and just dealing. My Uncle George Palmer, during the time that he commanded ships in the East India Company's service, had dealings with them on a large scale, and always spoke strongly in their praise. The Company's ships were of a high class, and their officers were usually men of discretion. The conditions of the trade, resulting from the laws of the Chinese

Empire and the habits of its people, were well understood by them, and strictly observed.

In 1834 a new state of things arose. The Chinese Empire remained in the same seclusion from the rest of the world as before; but, the privileges and the trade of the East India Company having ceased, Canton became the resort of ships and merchants of every class. Some of the newcomers were unscrupulous; almost all were impatient of restrictive regulations. The opium trade, contraband by Chinese law, was pushed to an extent before unknown. The prohibition, which (in theory at all events) rested on moral grounds, had not until then much practical efficacy. But at the end of 1834 the Emperor Taoukwang renewed it; and, during the four years which followed, it was made clear, by acts of vigour directed against persons engaged in that traffic, that the law would not be permitted to remain a dead letter. In 1839 a large seizure of opium belonging to British merchants took place at Canton, not without violence. Reparation might, perhaps, justly have been demanded for the violence, and (if nothing more had been required) might have been conceded. But our Government insisted on compensation being made for the opium seized or destroyed. This being refused, the first "Opium War" followed. It ended in 1842, with the cession of Hong-Kong, the opening of four new ports to British commerce, and the payment by China of a large indemnity. Lord Melbourne was Prime Minister when these things happened; though he went out of office before the end of the war.

My own attention was directed to this subject in 1839-40. Some of the correspondents at Macao and Canton of my uncle's house in Kings' Arms Yard were interested in the opium destroyed; and they took measures to bring their case, in various ways, before Parliament and the country. They employed me professionally to draw up, from a series of Macao newspapers and other materials which they furnished, a statement of the facts in pamphlet form; and they also enlisted the services of Samuel Warren, author of *The Diary of a Late Physician* and *Ten Thousand a Year*, to appeal to the multitude in another pamphlet, more popular and rhetorical. My performance was dry enough—a mere digest of the dry materials supplied to me: Warren's was as declamatory as his clients desired: it found a hundred readers, where mine found one. The case of the opium-dealers was, that this contraband trade had been carried on at various parts of the coast near Canton under the eyes, and practically with the connivance, of the Chinese authorities; and that the motive for the seizure of the foreign opium was rather protection of the native-grown against the imported drug, than solicitude for the morals of the Chinese people. The impression left upon my mind by the whole case was that the suppression, even with some circumstances of violence, of a contraband trade denounced by recent proclamations, was not a just or honourable cause of war. My Father thought so too; he did not like the use of my pen, even professionally, in the cause of those clients.

In 1856-57 another war arose out of the same traffic; and this time without any provocation on the part of the Chinese, unless a ship carrying it on within the port of Canton, which they seized, was a British and not a Chinese vessel.

Dr. Bowring, a man of letters and a *doctrinaire* Radical, had been for some years one of the established bores of the House of Commons; but being a steady supporter of Lord Palmerston's Government, he was at last rewarded by knighthood and the government of Hong-Kong. What fitness there may be in a fourth- or fifth-rate English politician, to whom it is not convenient to give any office at home, for the government of important colonies and the management of difficult foreign relations, I do not profess to understand; there must, I suppose, be reasons, known to Prime Ministers and Secretaries of State. The risk of such a choice, great always, is greatest when the Prime Minister carries to an extreme length the virtue — (for a virtue, within reasonable limits, it is)—of supporting subordinates who have to act at a distance from home under difficult circumstances. No feature in Lord Palmerston's character was more generous than his habit, in such cases, of taking responsibility upon himself, and throwing his shield over public servants of a lower grade: it was sometimes, however, a source of danger.

On the 8th of October 1856 a smuggling craft called the *Arrow*, carrying British colours but owned and manned by Chinamen, was boarded and taken

possession of in the Canton River. She was of a description locally known by the name *lorcha*—not a Chinese, but a European designation. Sir John Bowring, regarding this as an affront to our flag, and failing to obtain redress, treated it as a case of war; and (having obtained a force from India or Ceylon) proceeded, in the following November, to the bombardment of Canton. When the news reached England, Lord Palmerston's Government approved and ratified Sir John Bowring's acts. The war lasted two years, ending in the treaty negotiated by Lord Elgin at Tientsin, by which the trading and other privileges of Europeans in China were largely extended. It was a time when the Chinese Government was under great difficulties, in consequence of the Taeping Rebellion. In June 1859, having partially recovered strength, they repudiated that treaty, provoking a renewal of the war, in which they suffered still greater humiliation and disaster. If success could make wars honourable and glorious, those wars were eminently successful.

But for the hostilities commenced by Sir John Bowring, and continued by Lord Palmerston, there was no justification, unless the "lorcha" *Arrow*, when boarded and seized by the Chinese authorities, was entitled to sail under British colours. The fact of her carrying them, if she had at the time no right to do so, certainly did not entitle her to our protection. The question was debated in the House of Commons in March 1857, upon a motion by Mr. Cobden censuring Sir John Bowring's proceedings.

The Attorney-General, Sir Richard Bethell, put forth in their defence all the resources of his ingenuity; the House, however, was not convinced; and the vote of censure was carried by a majority of nineteen, the "Peelites" (generally) voting for it.

I took part in the debate, answering the Attorney-General, as I thought, on all points. It cost me my seat, and excluded me from Parliament for above four years; but my opinion was strong, and I bore the penalty with equanimity.

The argument was technical; but the principle was of general importance. A supplementary treaty to that of 1842 had been made in 1843, containing stipulations relative to "small vessels belonging to the British nation"; within which category the speakers for the Government attempted to bring the *Arrow*. She had been at one time a Chinese pirate, and now belonged to Chinamen resident at Hong-Kong. She did not "belong to the British nation," unless that could be said of every vessel belonging to any person, of any nation, who was resident for the time being in any British possession. The Attorney-General relied upon the temporary allegiance due to the British Crown by every person resident within British territory, as long as he was so resident. But the treaty of 1843 did not employ any form of expression which could exempt a Chinaman or his ship from Chinese jurisdiction within Chinese waters, merely because when in Hong-Kong he might be temporarily a British subject. It spoke of vessels belonging, not to "British subjects," but

"to the British nation." Temporary residence in British territory, without naturalisation or denisation, could not change the nationality of the person, or of a ship belonging to him. By a recent and important British statute,[1] passed in 1855, a general rule had been laid down, by which (except in certain colonies, of which Hong-Kong was not one) all questions as to the nationality of vessels claiming to be British were to be determined: that statute was law, where the exceptions did not apply, throughout the Queen's dominions. It provided expressly, that no ship should be deemed a British vessel unless she belonged wholly to natural-born subjects of the British Crown, or to persons who had received letters of "denisation," or were naturalised by an Act or Ordinance of some proper legislative authority. It was not pretended that the owner of the *Arrow* answered any of those descriptions. He had taken no step to clothe himself with any rights of British citizenship; it was not even alleged that he had in Hong-Kong a settled abode, of that kind which in our law is called "domicile." If the mere residence of the owner on British territory made the ship British everywhere, even in Chinese waters, the residence of a British shipowner at Macao or Canton must, by parity of reasoning, make his ship Portuguese or Chinese within the meaning of the treaty. On the same principle, under other articles of the treaty, the ship of a Chinaman resident at Hong-Kong would be liable to confiscation by the Chinese

[1] The "Merchant Shipping Act."

Government if she entered any Chinese port not open to European trade, and her owner would be liable to penalties, and to extradition by the Hong-Kong authorities for punishment, if he went into the interior of his own country for more than a certain distance from one of the Treaty Ports.

By these and other arguments, the impossibility, and even absurdity, of the attempt to extend to the *Arrow* the privileges of "small vessels belonging to the British nation" was shown. There was nothing left for the Government to fall back upon, except the fact, that the *Arrow* had taken with her from Hong-Kong a sailing-letter or register, in Chinese and English, under the seal and signature of Sir John Bowring, as chief Superintendent of Trade, as, by the treaty, British vessels were required to do. But the article of the treaty which required British vessels claiming the benefit of its provisions to have such sailing-letters or registers did not say that every vessel which had such a sailing-letter or register should be deemed British, or should be treated as if she were British when she was, in fact and in law, Chinese. Nor would it have been applicable in favour of the *Arrow*, even if it had done so. For the sailing-letter or register with which she left Hong-Kong was limited, in point of duration, to the 27th of September, on which day she was at Macao, within three or four hours' sail of Hong-Kong. Instead of returning to Hong-Kong to obtain its extension or renewal, she went on after its expiration to Canton, arriving there on the 3rd of

October. Sir John Bowring himself wrote on the 11th of October to Mr. Parkes, the British Consul at Canton: "It appears on examination, that the *Arrow* had no right to hoist the British flag; the license to do so expired on the 27th of September; from which time she has not been entitled to protection." Consul Parkes suggested, that it would be the right of a vessel, which was at sea when her license expired, to have it renewed. In this case the *Arrow* was at Macao, and not at sea, when the license expired; and she did not take the steps necessary for its renewal, when there would have been no difficulty in doing so. Sir John Bowring rejected that suggestion, saying, "I will consider the re-granting of the register of the *Arrow*, if applied for; but there can be no doubt that, after the expiry of the license, protection could not be legally granted." Nevertheless, he wrote to the Chinese Commissioner, that "there could be no doubt that the *Arrow* was entitled to protection." To reconcile those statements was impossible.[1]

[1] It has been a satisfaction to me to find my views as to the origin of this quarrel supported by the private letters of Lord Elgin, who was sent out to settle it, and who brought it to a successful issue. Writing to his wife from Hong-Kong on the 9th December 1857, he said: "I have hardly alluded in my ultimatum to that wretched question of the *Arrow*, which is a scandal to us, and is so considered, I have reason to know, by all except the few who are personally compromised." And again: "No doubt the relations of the Cantonese with the foreign population were very unsatisfactory, and a settlement was sooner or later inevitable. But nothing could be more contemptible than the origin of our existing quarrel." — Walrond's *Letters and Journals of Lord Elgin:* Murray, 1872, pp. 209, 213; and see *Ibid.* pp. 242, 274, 280.

What was wanting in law and reason to justify the violent proceedings which the Government had made their own was supplied, on the part of some of their defenders, by invective. Much was said about crimes committed by the Chinese, the vices of their Government, the weakness of their people, and the vexations to which British subjects in China were exposed. If all that was so said had been true, the inference to be drawn from it was not (as it seemed to me), that we should treat them with high-handed injustice in a case in which they had only enforced their laws against their own countrymen within their own jurisdiction, but the reverse. We ought, in all our public dealings with them, to set them an example of justice, humanity, and moderation.

After the vote on Mr. Cobden's motion, Lord Palmerston dissolved Parliament. However highly the British people may value the blessings of peace, the occasions are rare on which they do not support their Government at the beginning of a war; and the mere suggestion of an affront to the British flag is enough to excite a great deal of feeling, sometimes more patriotic than just. In this case, the war was one in which little risk was run, while much might be gained for British trade. It soon appeared that popular feeling ran high in Lord Palmerston's favour, especially in commercial constituencies; and the result of the Election was, to give him a large (though not, as it turned out, a very manageable) majority. At Plymouth, my friends met with so little encouragement as to the probable event of a

contest, that they advised me not to seek re-election; and I took leave of that constituency on the 9th of March 1857, retiring altogether, for the time, from Parliament. In my parting address I said (as I was able to do with truth) that "my public course had been an independent one; I had never offered to any Administration either a factious opposition or an interested support. The fear of unpopularity, or the desire of retaining my seat in Parliament, had not deterred me from speaking and voting according to my conscience. . . . My last vote, in favour of Mr. Cobden's motion, was given, not to displace Lord Palmerston's Government, but as a protest against deplorable calamities inflicted by a short-sighted policy, and without any just or sufficient cause, upon the defenceless inhabitants of a populous commercial city, in an empire distracted by intestine convulsions, and destitute of that light of Christian civilisation, which I had hoped it might be the mission of this country to introduce among them."

So came to a close the first part of my Parliamentary life. My place at Plymouth was taken by Mr. James White, a strenuous supporter of Lord Palmerston's Chinese policy, who had been a Shanghai merchant, and was once (I think) an Alderman of London. He professed to be a Radical, but voted on most occasions with the Government. Jovial and portly in his person, he was a conspicuous figure in the House of Commons, and his sonorous cheer obtained for him the *sobriquet* of the "Plymouth Sound."

CHAPTER LI

SWISS TOUR — CHANGES OF MINISTRIES — LONG VACATIONS—FAMILY EVENTS

1857–1859

THE years during which I was free from Parliamentary cares and duties were busy enough professionally; and they were marked by great events in the world, —the Indian Mutiny, the French war in Italy, the establishment of the Italian kingdom, the cession of Savoy to France, and the beginning of the Civil War in the United States. To myself, the earlier part of those years was a time of refreshment, pleasant to look back upon.

The glimpse which I had of Switzerland, when going through it to Italy in 1846, made me long to make the regular Swiss tour. For this I found opportunity in the vacation of 1857. My wife and I left our children at Hastings, under the care of their grandparents and aunts, and joined in forming a large family party for that excursion. It consisted, besides ourselves, of my brothers Horsley and Edwin, Horsley's wife, and my sisters Emma and Emily.

We went by Paris and Dijon to Dôle, from whence we crossed the Jura to Geneva. On the high table-land of the Jura I was struck by the multitude of the great upright stalks, higher generally than a tall man, of the yellow Gentian, from which (I believe) the drug of the chemists' shops is obtained: —the only other place where I observed it was at Monnetier, near Geneva. We went to Chamounix, and by Martigny to the valley of the Rhone and Zermatt. We crossed into Italy, as far as Milan, by the Simplon, and returned by the St. Gothard to Lucerne, taking Como and Lugano in our way. Edwin and I walked over the summit of the St. Gothard, from Airolo to Andermatt, beating the carriages in which the rest of the party followed by three hours. From Lucerne we went by the Brunig and Great Scheideck passes to Grindelwald, Interlachen, and Thun. On our way home the party divided at Berne; some going down the Rhine, while Laura and I returned by Paris. We expected to find there a letter of introduction to M. Guizot from Lord Aberdeen; which was sent; but, through some mistake as to time, we unfortunately missed it.

We followed the beaten tracks common to Swiss travellers with great enjoyment. Such a party as ours could not be adventurous; we attempted nothing more difficult than the Riffelberg, the Faulhorn, and (some of us) the Brevent.

The excursion was altogether prosperous; our numbers, and the affection which united us, added much to its pleasure.

It was while we were walking over the Great Scheideck on a brilliant autumn day, from Reichenbach to Rosenlaui, that I first saw the Prince of Wales. I remember well that we met him coming from the opposite direction with his tutor Mr. Gibbs, just after we had been decorating our hats with tufts of the beautiful *Gentiana asclepiadea* (which bears many blossoms on one spike), there growing plentifully by the wood sides. He was a boy of not quite sixteen, slender, fair, and of a frank, open countenance: everything which we could have wished the heir to the British throne at that age to be.

We had a lady's-maid and a courier with us,—the courier indispensable for such a party, but we should have done better without the maid. It was no pleasure to her, poor woman, to ride on a mule down such places as the Forclaz on the descent to Martigny, slipping on the steep smooth flags at almost every step: and at the frontier town between Como and Lugano she had a misadventure, for which I think she never quite forgave us. When we sailed up the Lake of Como, intending to cross the isthmus from Menaggio to Porlezza, we left her alone to go to Lugano by land, in charge of our carriages and luggage. She could not speak or understand a word of any language but English; the postilions understood nothing but Italian. Our courier went with us, taking with him the only passport we had, a general one for the whole party. The Government of the Swiss canton to which Lugano belongs did not

require any production of passports; but it happened, just then, that the Austrian Government, afraid of the passage of conspirators and revolutionary agents backwards and forwards between their Italian dominions and Switzerland, expected travellers to produce passports, not only on entering but also on leaving the Austrian territory. This our courier, a Swiss from Grindelwald, either did not know or had forgotten. Como is about sixteen miles by land from Lugano: and, when we reached that place after a day spent on the lakes, we were surprised not to find there the carriages and luggage, which ought to have arrived hours before us. At last they came; and, when they did come, we could not imagine what had happened, for it was long before the poor woman would speak to us. She had it out, I suppose, with the courier: and then it appeared that her passport had been demanded by a company of Austrian soldiers at the frontier town. She had no passport. I have no doubt she was voluble enough in her native tongue; but they could not understand what she said, and the postilions could not help her. She was taken prisoner, and conveyed to a lock-up house; and the carriages were detained. Luckily for her and us, an English gentleman who happened to be in the town heard of her detention, and, supposing that she might be his countrywoman, kindly went to see her. She told him her story as well as she could, and he explained it to the authorities. It was impossible, they said, to release her or to let the carriages proceed until the case and its circumstances

had been reported to Vienna. Fortunately, there was telegraphic communication with that capital, which the urgency of the good Englishman prevailed upon them to use; and, after some delay, the necessary order came. She was then allowed to go on,—half dead with fright, and very much exasperated against her master and mistress, on whom her deliverer (perhaps not unreasonably) threw all the blame.

[The following letter from my Grandmother accidentally escaped her rule as to her letters being burnt; and by my Father's wish it is here printed.—S. M. P.]

BRIGHTON, 1857.

DEAREST EMILY—Oh! how glad I shall be to see you both at home again. I feel a satisfaction in having remained here so long for Ellie's sake, and Mary is beginning to like being here so much that I verily believe she will be sorry to return to Bath. How much we shall all have to say to each other when we do meet, for I feel there is a certain indescribable link between you and Emma and me, which I do not find elsewhere, and so a part of myself remains unsatisfied without I am with you. Dear Laura has been so pressing that I must go to her when I am a little settled, so as to return home again in time for Christmas; and Mary reckons on going with me, which I am glad of, as I do not like her being too much in Bath in winter. But for money this is the place for Ellie; she is in and out shopping day after day! but take no notice of this. I send you a cheque for ten pounds, which I wish you to change and to put in the plate next Sunday; but be sure it's for the right object, for it is more than I could give to the other charities preached for; *now don't mistake.* Are the Fitzgeralds returned? How is poor Kift? I often think of him and pray for him, tell him;

as well as for the Suffering in your District, though I hope I feel for all the World beside.

We do not see much of the Beauforts, poor Rosa has enough to do, and Emily [1] is entirely taken up illuminating sentimental productions, and dislikes being interrupted.

I must now end my senseless say; and ever believe me, dearest Emma and Emily, your most affectionate M.,

DOROTHEA R. PALMER.

The next year, 1858, opened with an outburst of mutual irritation between France and England, consequent upon Orsini's conspiracy, and on the use said to have been made of the shelter which they found in England by the authors of criminal designs against foreign sovereigns. Lord Palmerston, not generally remarkable for deference to foreign Courts, was in this case blamed for acting with less than his usual spirit. His popularity declined as rapidly as it had risen; and an amendment, moved on the second reading of the Bill which he introduced to strengthen our laws against conspiracies to commit murder abroad, gave opportunity for a combination, in which Lord John Russell and Sir James Graham, Gladstone, Herbert, and Cardwell, and the leaders of the Manchester school, all united against him. He was defeated, and resigned; and Lord Derby again took office.

Two of Lord Derby's legal appointments took the profession and the country by surprise. One of them was the appointment of Sir Frederick Thesiger to be Lord Chancellor, under the title of Lord Chelmsford.

[1] Well known as Lady Strangford.

Every one expected that Lord St. Leonards would have returned to that post. He was almost the only member of the Conservative Cabinet of 1852 to whom the public gave credit for strength and capacity equal to his office. At the age of seventy-seven there was no sign of any failure in his powers; he lived for eighteen years afterwards. When, however, he was invited by Lord Derby to resume his former place, he declined. Most people believed that he only wanted to be pressed, and did not expect to be taken at his word. If so, he was disappointed. His cross-grained temper had probably made him a disagreeable colleague; so, without giving him the opportunity of retractation, the place was at once given to Thesiger, who had been Attorney-General under Sir Robert Peel, and in Lord Derby's first Ministry. Sir Fitzroy Kelly, his colleague as Solicitor-General in those Governments, became Attorney-General.

Lord Chelmsford began life as a midshipman, and was in the battle of Copenhagen. Leaving the Navy for the Law, he made his way at the Common Law Bar, not so much by profound learning as by cleverness and address. He spoke well, particularly to juries, and always like a gentleman. He was a genial man, of popular manners, fond of harmless jokes; and, when he came into Parliament, was useful as a debater to his party; his honour and personal character always stood high. If the place of Chief-Justice had been vacant, he would have filled it with general approbation. But nobody

thought of him for Lord Chancellor; and, when he was appointed, I think he himself shared in other people's surprise. I met him in Lincoln's Inn on the day when the announcement was made; and, when I stopped to congratulate him, we had both some difficulty in keeping our countenances. He nevertheless performed his part in the Court of Chancery as well as most Common Law Chancellors; and there, as everywhere else, his tact, kindliness, and courtesy made him popular. I date from that time a friendship with him which continued till his death, and which I highly valued.

The other appointment was that of Cairns, who first came into Parliament in 1852 (for Belfast, which he represented till he went to the House of Lords), to be Solicitor-General. He was seven years my junior, in age and at the Bar; a barrister of only thirteen years' standing, Queen's Counsel of only two. Few men have risen so rapidly. My clerk, Parkins, did not like his getting before me in the race: but for office there could be no competition between us, our political connections being different. Rolt, an older man of his own party, who eleven years afterwards succeeded him as Attorney-General, might excusably have felt disappointment. But, in reality, the choice was the best which could have been made. Nobody could know Cairns without admiring, esteeming, and liking him. He was an extremely good lawyer, and a powerful and skilful advocate; but he was more than this: he had the qualities necessary to make a statesman, and was also excellent as a man.

His person and manners added grace to his other gifts. He had not been three months Solicitor-General before he was acknowledged to be an orator of the first rank, and (after Lord Derby and Mr. Disraeli) the strongest man of his party. He eclipsed all other speakers in the famous debate of the 16th May 1858, about Lord Canning's Oude proclamation and Lord Ellenborough's despatch condemning it, when a motion of censure by Cardwell, concerted with much deliberation among the principal leaders of the Opposition, ended in a triumph for the Government. Count de Montalembert, who was present, passed a splendid encomium on that speech in the pamphlet[1] contrasting English Parliamentary institutions with French Imperialism, for which he was prosecuted by the French Government.

The triumphs of Lord Derby's second Administration did not last long. It was tempted, by the evil genius which had taken in hand the "education" of the Conservative party, to bring in a Reform Bill, which was neither Conservative nor Liberal. Upon the second reading of that Bill, in the spring of 1859, the Ministry was defeated, and Parliament was again dissolved. I had many communications at that time with Cardwell and other friends, with a view to coming again into Parliament; several places, in which there seemed to be openings, were discussed between us; but, from one cause or another, all fell through. The new Parliament met in June; and Lord Derby's supporters, though in greater force

[1] "Un débat sur l'Inde au Parlement Anglais."

than before, were outnumbered on a vote of no confidence moved by Lord Hartington, who then first took an active part in politics. On the next day Lord Derby resigned; and Lord Palmerston formed his second Administration.

This was the turning-point in Gladstone's career. Of Sir Robert Peel's followers he had been the most hostile to Lord Palmerston. At the election for Flintshire in 1857 he canvassed with great energy for his brother-in-law, Sir Stephen Glynne, the Conservative candidate; going about the country and exhausting the resources of his eloquence in condemnation of Lord Palmerston, as a man most unfit to govern England. From the autumn of 1856 to the day on which the Ministry of 1858-59 fell, his mind appeared to incline towards reunion with the Conservatives. Twice, in the autumn of 1856, I heard from Arthur Gordon (who had good means of knowledge) that he had decided on taking that course, whatever others might do:—and then I heard again that he had changed his mind.

TO THE HONOURABLE ARTHUR GORDON

LINCOLN'S INN, 10*th January* 1857.

MY DEAR GORDON—Your letter about (what you then understood to be) Gladstone's intentions cost me *two* ineffectual attempts at a reply; so I hardly dare say much about it now, except that I am heartily glad he has been induced to change his mind. My *first* thought about it was, that, if he took so perilous a leap, I might be justified in (at least) watching its effect for a time before following him. My *second* thought was,

that, to *hesitate* in public, under such circumstances, would be, virtually, to take a side against him: and, if he should say, "Why, I counted upon you," should I be entitled to reply, "You had no reason to do so"? He had not, indeed, consulted me at all upon such subjects; nor did I ever express to *him* directly (that I am aware of) the wish I have often felt, and expressed to others, that we might see again a real united Conservative Party; Conservative in principle, and Liberal in policy, such as that of which Sir Robert Peel was once the head, and your father the ornament. But, if the time came, when he was prepared to risk all for the sake of reconstructing, if possible, such a party, would it become me, who had so felt and so spoken, to hold back, and separate myself from him? My judgment might not be satisfied of the wisdom of the step, or of the prospect of success; and my interest might be against it:—but my judgment had given way, without being convinced, before;—and ought I really, in such a matter, at all to consider my interest? So I reasoned with myself; hardly able to come to any settled conclusion; and I am delighted to be now relieved from the necessity of doing so. It made me feel (more than I was before aware of) what a wrench it would be to separate myself from those friends, who would at all events have remained on the Ministerial side of the House; and especially at this time, when the Government is (in its home politics) very nearly as Conservative (though wanting in vigorous, decided policy) as any Government I can expect again to see.

The Session of 1857 was remarkable for a long Parliamentary duel between him and Bethell over the Divorce Bill, in which Bethell was victorious, and by which Gladstone was more than ever alienated from the Government. He took part in the vote which overthrew Lord Palmerston; and in November 1858 he accepted from Lord Derby a mission to the Ionian Islands (in which Arthur Gordon accompanied him as Secretary), which some time afterwards

resulted in their cession to Greece. When he returned from that mission in March 1859 he was in very great favour with the Conservatives; I remember well a conversation about him with Sir Hugh Cairns, who was full of his praises; and there never was a time at which the Conservative party was better disposed towards reconciliation with him. He voted with them on Lord Hartington's motion. But when the Duke of Newcastle, Sidney Herbert, Lord Elgin, and Cardwell agreed to serve under Lord Palmerston, he also took office, as Chancellor of the Exchequer. Whether, in so doing, he was influenced by attachment to those friends, or by the natural desire of a man conscious of great powers to turn them to account, I do not know. Whatever may have been the reason, it determined his public course for the rest of his life. There was, at that time, between him and Lord Palmerston, at least one point of agreement,—their common sympathy with the cause of the Italian Revolution. But I do not think this was enough to produce cordial relations between men of such very opposite characters, and of different views on most subjects. Lord Palmerston was a man of the world, who bore no grudge against those who had opposed him, and was easily reconciled to those whom he had himself opposed. In Gladstone's case it was otherwise. My belief is, that to the end they disliked and distrusted each other;[1] and that their union in 1859 was only one of convenience on both sides;—to Lord

[1] See Hodder's *Life of Lord Shaftesbury*, vol. iii. p. 187.

Palmerston, who wanted Gladstone's help; and to Gladstone, who was looking to the future.

The Government then formed was very strong in ability; it included, with the exception of Lord Grey and Lord Cranworth, all the Liberal and all the "Peelite" statesmen of note who had previously held office, and whose age and health enabled them to return to it, as well as some others of great mark. Lord Campbell took Lord Cranworth's place as Chancellor. Why that change was made I have never understood. It could not have been on political grounds, for Lord Cranworth was a Whig, moderate, reasonable, and thoroughly loyal to his party. Nor could it have been for judicial or personal reasons; for Lord Cranworth was a very good and accurate Judge, well acquainted with Common Law as well as Equity, and a man of the highest character, of calm equable temper and invariable good sense, trusted, liked, and respected by everybody. Lord Campbell and Bethell both aspired to the office; they were men of much more importunate ambition than Lord Cranworth, and may have pressed their own claims, which he was not likely to do. They, or their friends, may have confounded his modesty with mediocrity;—a fault which certainly could not be imputed to Bethell, nor to Campbell as a lawyer. At all events, they prevailed: the desire of the Chief-Justice, then seventy-eight years old, to be Lord Chancellor of Great Britain before he died, was gratified, and the reversion after his death or retirement was promised to Bethell.

Lord Campbell, as Chief-Justice of the Queen's Bench (to which post Cockburn, a more brilliant but less fit man, succeeded), was in his right place; he had discharged its duties for nine years, as well as the ablest of his predecessors during this century. As Chancellor, he was not remarkable,—certainly not Lord Cranworth's equal.

None of these arrangements affected me; but they opened the way to my future co-operation with that Government if opportunity should offer. My mind was at that time occupied with family rather than public interests.

In February 1858 my Uncle Horsley died. There was now no survivor of the generation to which my Father belonged. My uncle was a most generous and upright man, worthy of all honour,—from myself especially, who owed much to his kindness from my early youth.

We spent the long vacation of 1858 at Penmaenmawr in North Wales, occupying a house close to the sea, where the Gladstones had been before us. It was the first time that I had been in Wales. The place was then a scattered, thinly-peopled hamlet, nestling under what Thomson, in one of the finest passages of his *Seasons* (a description of a thunderstorm which rivals Virgil's[1] own), called

> The rude rocks
> Of Penmanmaur heaped hideous to the sky.[2]

[1] *Georg.* Lib. i. 322-334.

[2] Thomson's *Seasons*: "Summer": v. 1164-65.

The only road for carriages and horses was parallel and close to the railway between Conway and Bangor. So secluded was the place that beef was a luxury to get which we had to go ourselves ten miles, to the Saturday markets at Bangor, and bring it back with us :—if we had trusted to its being sent, there would have been great danger of some other customer intercepting it, like the Welshman of the nursery rhyme. But for this and other small difficulties of the same sort—much diminished to us by the kindness of a substantial Welsh yeoman, our neighbour—we did not care. If there was only one road along which we could ride or drive, and that too near the railway to be pleasant when trains were passing, the walks among the hills were delightful. Just behind our house an easy climb through long purple heather and bilberries led to one of the lower summits of a high table-land, stretching from Conway and Llanrwst, by a series of gradual ascents, to the tops of Carnedd Llewellyn and Carnedd Dafydd, mountains not much lower than Snowdon, which enclose within their precipices the large broken-down crater of an ancient volcano. I walked several times along the whole length of that ridge, finding the Ordnance map everywhere a sufficient guide, both as to the route and as to the practicability of getting safely through difficult places, except once; when my brother Edwin and I scrambled laboriously down the steep rock-strewn declivity of Carnedd Dafydd to the shore of Lake Ogwen. We saw during that holiday much of the finest Welsh scenery. The recollections

of Switzerland did not diminish our appreciation of Wales.

An incident happened to me while at Penmaenmawr which amused some of my friends. Walking with two of my little girls, in their white sun-bonnets, down the village street, I was accosted by a benevolent-looking old gentleman whom I had never seen before, who held out to me a tract in the Welsh language, saying, "My good man, can you read?" I answered, "Yes; but not Welsh," which, I believe, the tract-distributor understood as little as I did. I went home and told the story in the presence of a young Oxford friend of Edwin (now an eminent scientific teacher in that University), who was then calling at our house: he understood the situation at once, and retired quickly, in some confusion. The gentleman who had spoken to me was his father, Admiral Frederick Vernon Harcourt. The story was repeated by some of those who heard it, as usual, with additions; one of which was, that the Admiral admonished me not to frequent public-houses:—this, however, is mythical.

It was convenient to us to pass the next long vacation nearer London. We went to the Oatlands Hotel, a large house near Weybridge, where there had been a ducal, and afterwards a Royal residence.[1] Within the grounds there is an oval enclosure, like a small amphitheatre of greensward sloping down

[1] It belonged to the Pelhams, Dukes of Newcastle, and afterwards to Frederick, Duke of York, brother of George IV. Anne of Denmark, Queen of James I., had a house there.

from a walk overhung with trees, which the Duchess of York, a childless woman, filled with tombstones inscribed to the memory of a numerous family or succession of dogs, which had consoled the monotony of her not happy domestic life. There was something touching in them. The place had some, and the neighbourhood had many, attractions. The Thames was within a few minutes' walk; the remains of the Duke of York's park, which had been broken up for villas, abounded in fine trees; and St. George's Hill was near. The clergyman of Weybridge was Edward Rose, an able, liberal-minded, and excellent man, who had married a niece of Lady Cardwell and daughter of Vice-Chancellor Sir James Parker. Dr. Lushington was at Ockham, within an easy drive; and Robert Hay Murray, an intimate friend of my brother Horsley, with whose whole family we have ever since been on most affectionate terms, was still nearer, at Byfleet.

TO THE HONOURABLE ARTHUR GORDON

OATLANDS, 14*th September* 1859.

MY DEAR GORDON—Will you believe me when I say that this is the first letter, not of business or of necessity, which I have written to anybody since my holiday began?

So great is the disinclination to labour of any kind, mental or bodily, which succeeds to a long course of drudgery, such as I have to go through in working time. The luxury of rest, and of that kind of reading which is compatible with indolence, and exercises the passive rather than the active faculties of the mind, is indescribable, after seven months of real hard work.

Whether you know this from experience I am not sure; everybody is apt to suppose himself harder worked (if he does work at all) than his neighbours; and the degree of tension physical and intellectual does not always depend either upon the kind or upon the apparent quantity of the work done. At all events, I have no doubt, at times, had taste of it enough to believe that my indulgence of the *vis inertiae*, until now, even to the extent of not writing to you, argues no decay of affection.

I do not think I have often enjoyed myself more than during the month I have been here, quite alone with my wife and children, and with a few books chosen for holiday reading. In this hotel we have all the convenience and pleasantness of a country house, without any of the trouble; plenty of space, indoors and out; noble trees, and an extensive tract of half-unreclaimed country, heath and fern, surrounding us for miles; the purest possible air; the Thames within a quarter of an hour's walk, for bathing; complete privacy without exclusiveness, in the midst of human faces; and some acquaintance, for whom we have a more than usual degree of liking, within easy drives. I have read (for the first time) Sir Samuel Romilly's *Life* and the two first volumes of Guizot's last work; and the first volume (I am now in the second) of Humboldt's *Cosmos*. The *Cosmos* is difficult to a reader as little scientific as myself; but the subjects of the book have a great charm for me, and, but for an insuperable aversion of my intellectual constitution for pure mathematics, I should feel very much tempted to attack science, even yet. When I add that we have short evening readings of Shakespeare with the children, and I do not look at the Daily Papers, you have the picture of our life here, complete.

I think I have gained something more than the ordinary results of reading from Romilly and Guizot. You know I told you at Mixbury that my ambition of personal or professional advancement was not so entirely under control, last spring, as I might sometimes have fancied; but that I thought it would lose its power, if not gratified on the opportunity which the then impending change of Government might possibly open. My present feeling is, as if its power were now quite gone; and I think I may honestly say that, if I could accelerate the opportunity (which is as likely as not never now to arise), I would

not do so. Such examples as Romilly and Guizot, whose politics were really actuated by an intelligent and unselfish patriotism, and who, not despising office, still would not move to the right or left for the sake of obtaining it, though (as in Romilly's case actually happened) a life-long disappointment might be the alternative; these are the examples, which I should wish to follow, if I really had the power of serving my country, as they had; and, if I have not, how frivolous and idle a thing it would be for me to indulge in political ambition at all!

What a contrast such men are to the common run of politicians! and how very mean, in the presence of their wisdom and virtue, does the leather and prunella of mere office and personal éclat appear to be! And yet, what mortifications they had to endure! How little did it seem to be permitted to them to accomplish! And must there not have been many, very many, moments of despondency in each of their lives, at which they must have thought all the self-sacrifice wasted!

While there we were alarmed one night, soon after we had gone to bed, by the sound of a bell, which told us that the house was on fire. Our children's rooms were near the centre of the house, and there it was that, in a laundry close by, the fire had broken out. I will not describe our feelings; but before the flames had made much progress the children were brought to our rooms, which were at the end of a long gallery, and in no immediate danger. There we waited, while our servants got together our clothes and other things, all which were saved and carried down into the garden, into which, as soon as we were dressed, we all went. It was as warm and fine a summer night as ever I remember; and there we remained, watching the flames, and thanking

God for our safety from them, till our carriage was got out to take us to the house of a neighbouring gentleman (Mr., afterwards Sir William, Drake, the Parliamentary agent to the Liberal party), who kindly offered us shelter. To sleep that night was impossible. In the morning we learnt that the fire was extinguished, and that the greater part of the Hotel had not been destroyed. We were told that everything would be carried on as usual, if we chose to remain; but we decided on returning to London.

A few weeks after our return, on the 17th of October 1859, my son William Waldegrave was born. Claughton (whom I at once asked to be one of his godfathers) wrote to me the next day:—

> We could not have had tidings this morning that more rejoiced our hearts than your dear wife's safety, and the birth of a son to your house. May God confirm His blessings to you, by making your boy a blessing! I can see your old paternal face, and I am sure you are so happy. I accept the office you propose to me, dear Roundell. If I live to the threescore years and ten, I shall see him entering on his course, and my prayers shall be offered up for him, that he may walk in the steps of his father and his mother.

It was natural for my friend to think and speak kindly of ourselves:—but my own prayer was that of Hector,[1] that the son might be much better than his father.

[1] Homer, *Iliad*, Z 479, καί ποτέ τις εἴπῃσι "Πατρὸς δ' ὅ γε πολλὸν ἀμείνων."

TO THE HONOURABLE ARTHUR GORDON

6 PORTLAND PLACE, 17*th October* 1859.

MY DEAR GORDON—Another short note from R. P. This time, however, only to claim your congratulations and sympathy with my happiness, in having become the father of a little son. Such an event is too important to me, not to claim some interest for my friends, and therefore for you. I did not permit myself to wish for a boy; I could not dare, without great presumption, to hold myself worthy of such a gift. But now that it has pleased God of His own will to give it, I feel that it defines for me a new work in life, and modifies, in no slight or unimportant degree, the views and influences which might otherwise have actuated, for years to come, my outward course. With your love for the young, and even for my little children, I am sure you would have the like feelings in my situation; and I think you will be able to understand them in me.—Believe me ever, yours affectionately, R. PALMER.

Exactly a week after his birth, on the 24th of the same month, his grandfather, Lord Waldegrave (whose health had been much shaken ever since Lord Chewton's death), died. As long as his strength lasted he was active in good works; and he died, as he had lived, a good Christian. His body was laid to rest in Fairlight churchyard near Hastings, under the shadow of a church built by his second wife above a cliff overlooking the sea, visible far off to the mariners in whose calling he had spent the best years of his life.

8*th November* 1859.

It is almost impossible for me to write about my little son. I do receive him, as you say, as coming from God, and a most precious gift he is; he has been a real little comforter. And earnestly do I hope that I may have wisdom to train him as a

faithful soldier and servant. I feel so much depends upon the Mother's early training, that it ought to make one seek diligently God's help, especially during the early years when his father is likely to be too much engaged professionally to allow of much superintendence on his part. It would do you good to see my dear husband's happy face looking at his boy. May the boy be like him, and always bring the sunshine to our home he does now!—Yours affectionately, LAURA PALMER.

Another day of mourning followed. On the 14th of November 1859 I lost my eldest sister, Mary. I have not preserved many of her letters; but the faith with which she bore her sufferings shone out in the last of them, which she wrote to Horsley on the 21st of June.

Thank you very much for your truly kind affectionate letter, which I know comes from your heart. I know all those I love think me much better than I am: but yet I hope and trust that, as God is so abundantly good to me, and does help me to bear the necessary trials of this illness, He will for Christ's sake forgive me and accept me, should He see fit that it be my last; or, if not, indeed enable me to lead a more useful life. This is what I especially ask your prayers for. . . . I cannot help wishing to live longer, to do better; but yet I do pray, that I may have grace and faith to take rightly whatever is ordered for me, and may be enabled to have a full trust in God's mercy at last.

The course of her illness was more than usually distressing. There was as much need as human nature could have of faith and patience. My Mother and my sisters Emma and Emily nursed her through it all with a self-devotion amounting to heroism. It was a relief when the end came, not to the sufferer only, but to those who shared the cross which her humble and tender spirit was called upon to bear.

To . . .

6 PORTLAND PLACE, *December* 1859.

MY DEAR FRIEND—I am determined to think better of your case than you seem able to do yourself. I remember that "the bruised reed shall He not break, and the smoking flax shall He not quench":—that the invitation to "trust in the Name of the Lord, and stay upon his God," is to him "that walketh in darkness, and hath no light"; and that, when any of God's children say, "We wait for light, but behold obscurity; for brightness, but we walk in darkness. We grope for the wall like the blind, and we grope as if we had no eyes: we stumble at noonday as in the night; we are in desolate places as dead men. . . . We look for judgment, but there is none; for salvation, but it is far off from us": the word is spoken to them, now, as of old, "When the enemy shall come in like a flood, the Spirit of the Lord shall lift up a standard against him. And the Redeemer shall come to Zion, and unto them that turn from transgression in Jacob, saith the Lord." So, I must trust, it will be with you: and I shall yet see the day when your heart will be disenchanted from the power of earthly hopes and disappointments, and will turn to its true home again, and know its real happiness.—Yours ever, R. P.

CHAPTER LII

MY WIFE AND HER WORK — SUNDRY EVENTS OF 1860-1861—GLADSTONE AND SIDNEY HERBERT—GLADSTONE AND OXFORD—SOLICITOR-GENERALSHIP AND ELECTION FOR RICHMOND

1860–1861

My wife was now, like myself, fatherless: we were, more than ever, all in all to each other. On the 3rd of January 1860, the twelfth anniversary of our engagement, she was at Hastings and I in London. I sent her these lines.

To L. P.—January 3, 1860

1

This is the day, now twelve years past,
When in the yew-tree grove,
By the old Abbey's mouldering walls,
We spoke the words of love.

2

Upon that field, where this fair realm
Fell to the Conqueror's part,
I won a throne more precious far,
The empire of thy heart.

3

The love we spoke of was no fire
Of earthly passion sprung,
No worship vain of lip or eye
Or music-breathing tongue.

4

Mine was the full heart's late return
After the storms of youth
To Truth and Duty early known,
Tried Duty, simple Truth.

5

Thine was the tender sympathy
By solemn memories bred,
Sweet sacred memories, full of Heaven,
And bringing back the Dead.

6

I spoke the word; and thou didst not
Disdain a husband's power;
And all this wealth of happy years
Flows from that golden hour:

7

The trusting heart, the strengthening mind;
The mutual constant prayer;
Looks ever gentle, ever kind,
Which friends and brethren share.

8

Whatever ties were close before,
Still closer thou didst make;
The best and truest learnt to love
More dearly for thy sake.

9

Five sunny faces clustering round
To make life's crown complete,
With the dear name of Father now
My homeward footsteps greet;

10

Five merry voices, when from home
My steps are turned away,
Console thy fond maternal ear
With music all the day.

11

Partners in sorrow and in joy,
Partners in hope and faith,
Whate'er betide, our souls have found
Safe anchorage till death.

12

And, as with undivided mind
Together still we kneel
At the same Altar, where our vows
Received God's holy seal,

13

For this, of all His mercies most,
Our grateful hearts ascend,
That, cleansed by Christ whose Name is Love,
Our love shall never end.

It was in March 1860 that my wife joined three of her friends, Mrs. Talbot,[1] Lady Wood,[2] and the

[1] Caroline Jane, daughter of the first Lord Wharncliffe, and wife of John Chetwynd Talbot, Q.C., leader of the Parliamentary Bar, and Attorney-General to the Prince of Wales. He died 25th May 1852. His widow died 12th June 1876.

[2] Afterwards Lady Hatherley. She died 19th November 1878.

Hon. Cecily Stuart Wortley (Mrs. Talbot's niece), in the foundation and management of the "Parochial Mission Women's Association."

Miss Wortley (now Lady Montagu) had been very much interested in Mrs. Ranyard's book called *The Missing Link*, published in 1859; in which the work done by "Bible-women," in connection with the Bible Society, was described. It suggested the thought that it would be a good thing to organise a similar agency in connection with the Church of England. This was the origin of the Association; in which the original founders soon had the help of others like-minded; of whom, if I mention particularly Miss Laura Oldfield[1] and Mrs. Pole Carew,[2] it is because they also were among my wife's dearest friends. No rivalry with Mrs. Ranyard's work was intended; the co-operation of that lady would have been welcome, if it could have been obtained; there was room for all the good which both institutions could do.

The distinctive character of the new Association was marked by the word *Parochial*. It had, in common with the Bible-women, two principles; that of the employment for its Missions of poor women, belonging to the class among whom they were to work; and that of assisting to raise the condition of the poor, by teaching them and leading

[1] She died 11th February 1876.

[2] Frances Anne, daughter of John Buller, of Morval, Cornwall;—wife of William Henry Pole Carew, of Antony, Cornwall;—for some time M.P. for East Cornwall.

them to acquire habits of self-help, thrift, and domestic comfort. The main differences were in placing the Mission Women under the direction of Ladies Superintendent, and in the recognition, as to both, of the office and authority of the Parochial Clergy. No Mission Woman was to be employed in any parish or district except upon the application of the incumbent; who might change her, or the Lady Superintendent, if he thought fit; or might, if dissatisfied, at any time discontinue the Mission. The Mission Woman's wages were to be enough for her to live upon, but not enough to make her seek this work for the sake of the wages. Her duty was to visit the poor at their homes, not as a Scripture-reader, but for sympathy, counsel, encouragement, and help,—charity in all its forms, except that of almsgiving, with which directly she was to have nothing to do. She was to be a messenger of *hope*, spiritual and temporal: —a "living witness" (as was said by Mrs. Talbot), "that one of themselves might be something better and happier than they were." She was to encourage them to deposit, under the Lady Superintendent's care, even the smallest sums; to be laid out, when accumulated to a sufficient amount, in any way conducive to their comfort. As to this, two rules characteristic of the Association were, that no *bonus* should ever be given, and that nothing bought should be taken away until it was paid for. The accounts of each Mission were to be regularly audited every half-year, at the office of the Association. Each Lady Superintendent was to act under

one of the Lady Managers; to whom she referred such questions as arose, and who visited from time to time the "mothers' meetings," which she conducted; so keeping in touch with all the work that was going on.

Experience soon dispelled a doubt, which was at first entertained, whether fit instruments for such a work could be found, wherever they were wanted. "It seems to have been proved," said Mrs. Talbot in 1862, "that there was want of faith in this doubt . . . One after another, as they have been wanted, they have been found,—quiet unassuming women, living in the steady discharge of their religious duties as members of the Church of England, and ready to devote themselves with their whole hearts to endeavour to benefit their neighbours in their souls and bodies, under the guidance which is offered to them."

This work has been conducted unostentatiously, but it has continually grown. At the end of 1863, there were eight Mission Women, in six districts:—at the end of 1888, 194, in 180 districts. These Mission Women have been the means of bringing many persons, men as well as women, who might not otherwise have been reached, into communication with the parish clergy, and so to a participation in the benefits, spiritual and temporal, of the ministry of the Church:—also of bringing many children to baptism and confirmation, and to school. In twenty-nine years, from 1860 to 1888, the aggregate deposits of the poor women amounted to

£307,161 : 4 : 11½ :—in the last of those years alone, to £14,824 : 13 : 2¾.[1]

In this work, Mrs. Talbot, Lady Hatherley, Miss Oldfield, and my wife laboured indefatigably, sparing neither time nor trouble, each till the day when she died. Lady Montagu and Mrs. Pole Carew continue to carry it on, surrounded by fellow-workers, of whom my daughter Sophia is one.

Under Lord Palmerston's two Administrations, the Evangelical party in the Church of England had almost a monopoly of the higher Church preferments. This was due to the influence of Lord Shaftesbury, Lady Palmerston's son-in-law, with whom the Prime Minister agreed in disliking the High Church party, and in whose sincerity and religious earnestness he had just confidence. That influence procured the appointments of Bishops Bickersteth to Ripon, Villiers to Carlisle and Durham, Pelham to Norwich, Wigram to Rochester, Baring to Gloucester and Durham, and my brother-in-law Samuel Waldegrave to Carlisle. It might have been expected (especially as the Primacy and some other important Sees were already in Evangelical hands), that the power of the Evangelical party would have been greatly increased by those appointments, — all those Bishops being good, though not all learned men. But it was not so :—some of them died early, others were not born to be rulers of men. The whole strength of the Evangelical system, when it was strongest, was

[1] The total from 1860 to 1895 amounted to £406,032 : 8 : 2¾, and in 1895 alone to £13,234 : 1 : 7.—S. M. P.

thrown into preaching, sometimes of a vague and too scholastic kind; though it is but just to add, that many of that party were also very diligent in other pastoral duties. But for the office of organisation and government, which that of a Bishop essentially is, definite ecclesiastical principles are necessary: and these were not generally found in members of that party, and were apt to detach those who had them from it. From the time when the Oxford Movement began to make way, the ecclesiastical principles of the great body of the active clergy were continually growing in definiteness; and Bishops who had no sympathy with them were unable to exercise great influence, whatever respect might be felt for their virtues.

When, in 1857, Dr. Bickersteth was made Bishop of Ripon, Lord Cranworth gave the Canonry which he vacated in Salisbury Cathedral to Samuel Waldegrave, who became from that time the leading representative of Evangelical opinion in the diocese of Salisbury: and, on the translation of Bishop Villiers to Durham, in June 1860, he was nominated to the See of Carlisle. Tait, then Bishop of London, had been his tutor at Oxford, and was attached to Carlisle by very tender associations.[1] He wrote on the 4th of June to my wife, to assure her that her brother would be heartily welcomed in that diocese; and added:—"I trust that God's blessings may

[1] He had been Dean of Carlisle; and, while there, lost five children, within a very short time of each other, from scarlet fever.

descend upon him; blessings to be expected in one, who from his earliest days has never forgotten his mother's training." He was consecrated in York Minster on the 11th of November following. His Episcopal government, during the nine years that it lasted, was gentle and fatherly:—the purity and spirituality of his character, as well as the consistent devotion of his life to God's service, were appreciated by many who did not agree with his opinions, as well as by those who did.

It was in the course of the same autumn that George Waldegrave, my wife's youngest brother, became engaged to marry Henrietta Countess of Rothes. Dr. Yonge, who had been her guardian, wrote to me from Plymouth to announce the engagement, and bore testimony, founded on intimate knowledge, to her qualities of mind and heart; which were indeed admirable, and most worthy of love:—so much so that, when we came to know her well, we found them to exceed all that we had heard. My acquaintance with her began at the time of my return for Plymouth in 1847, when, as a girl of fifteen, she happened to be with her mother on a visit at Widey Court, and through Dr. Yonge was led to take an interest in my election, and became my warm partisan. Twelve years later she succeeded, on her brother's death, to the Rothes peerage; and on 22nd of January 1861 she married my brother-in-law.

Within the twelve months beginning with March 1860, we lost by death three friends whom we held in great esteem. The first was Dr. Williams, Warden

of New College.[1] His son Henry Blackstone Williams, my schoolfellow, understood the affection and gratitude which bound me to him. "I know" (he wrote on the 25th of March 1860) "your strong and enduring affectionate regard for him. You were one of his most valued friends; and I am sure I may say (this is no time for flattery, were I given to it) that he was proud of your respect and attachment to himself, and of having in some measure contributed to form you." I was among those who followed him to the grave in New College chapel, on the 28th of March. After the funeral, Henry Williams wrote to me again, not satisfied with a notice of his father which had appeared in the *Guardian* of that day, and wishing me to supply what he thought its defects. This I did in the next number of that paper, as well as I could.[2] But the most worthy tribute paid to my old master and friend was by the Senior Proctor of the year, in the Latin oration delivered by him, according to custom, on laying down his office;—not a formal eulogy, but a genuine expression of what very many felt.

If it may be permitted (he said) to pass judgment on such a man, I should say of him that he was endowed with the greatest sagacity and prudence; that he was a man of perfect good faith, and of a singularly just temper of mind; one who never deviated, under the influence of party-spirit or prejudice or of any desire of popularity, from the course of truth and

[1] He died 23rd March 1860.

[2] What I wrote is preserved in a short Memoir of Dr. Williams, by his son-in-law Sir William Erle, prefixed to a volume of his Sermons, published in 1862.

rectitude. And we may surely pronounce him happy in the time and circumstances of his death. An old man with none of the weakness of age; his faculties all perfect; ripe in honours; firmly fortified by Christian hope;—he has so departed out of this life as to bequeath to us an admirable pattern of consistent virtue.

Lord Aberdeen died on the 14th of December 1860; leaving no statesman behind him equal, in all points, to his elevation of character. No father and son could have been more attached to each other than were Lord Aberdeen and Arthur Gordon; and no separation could have been more keenly felt by the survivor. Arthur had not been in Parliament since the dissolution of 1857; and now it was necessary to decide on his future career. That which seemed most open to him, if not that to which he might have been naturally most inclined, was the government of colonies or foreign possessions of the Crown; which, if it banished him from home, might in many cases offer a field of action suitable to his disposition and abilities, and enable him to do great good. He chose it; and in the summer of 1861 was appointed Governor of New Brunswick. During the twenty-eight years between that time and the present,[1] he has held, in five other colonies,[2] a corresponding office; placing always, and in all of them (as the son of such a father ought), the good of his fellow-men, of whatever race or colour, before popularity or personal interest. There was some-

[1] Written in 1889.

[2] Trinidad; Mauritius; Fiji; New Zealand; and Ceylon.

thing agreeable to the fitness of things in this dedication of his life by a man of so much ability, and trained in such a school, to the service of his country where party and its interests were not supreme.

Gladstone, after taking office in 1859, had become a greater political power than before. By his financial scheme of 1860, and the speech in which he introduced it, he made an impression on the country which was never effaced. And by the heat and imperious tone towards the House of Lords which he exhibited on the occasion of their throwing out his Bill for the repeal of the Paper Duties (though on the merits of that question he was certainly right and they wrong), his moral attitude towards the parties which divided the State was changed. Men ceased by degrees to look upon him as representing Conservative principles in a Liberal Cabinet.

The group of statesmen who had accompanied him from Oxford into public life, to most of whom he was attached by personal friendship, and who had received their political education under Sir Robert Peel, had passed, or was rapidly passing, away. One of them, Sidney Herbert, might have been preferred to Gladstone as a leader by most of their common friends. If Gladstone had more genius, Herbert had the more flexible and well-balanced mind, as well as external advantages which told in his favour. He belonged to an ancient family, conspicuous in English history. In person, demeanour, and gracious bearing towards all men, he was a worthy descendant of "Sidney's sister, Pembroke's mother," celebrated for

her incomparable excellence by Ben Jonson.[1] No man could come nearer than he did to the ideal of a high-born and high-bred English gentleman. Conservative and Liberal principles were so naturally blended in the temper of his mind, that the best men of all parties would have been likely to rally round him, if he had ever been at the head of affairs. He made no enemies, but conciliated, without effort, universal good will. He had fine natural abilities, not, I should think, elaborately cultivated (as Gladstone's were), but cultivated enough. As a speaker and debater, he was easy, agreeable, and effective; and he proved himself a good administrator in the offices which he held. In the War department, he did more than any other man for the comfort and moral elevation of our soldiers. But he was struck down by a mortal disease in the fulness of his powers, and died on the 2nd of August 1861.

Of Gladstone's other contemporaries, Lord Dalhousie was dead; Lord Canning was coming back from India in broken health, and lived only till June 1862; Lord Elgin succeeded him in India, where he also died in 1863. The Duke of Newcastle's sight was failing, and, though he lived till the autumn of 1864, his public career was near its end. Cardwell

[1] Underneath this sable herse
Lies the subject of all verse,
Sidney's sister, Pembroke's mother:—
Death, ere thou hast slain another
Learn'd and fair and good as she,
Time shall throw his dart at thee.
(*Underwoods* xv.—Ben Jonson's Works; ed. 1816, vol. viii. p. 337).

and Lord Granville remained; but Lord Granville belonged to the Whig connection in politics; Cardwell's personal and political relations with Gladstone were not very intimate; and they both differed from his ecclesiastical views.

Gladstone was therefore now virtually alone. He chafed at the continual contests recurring at every election for Oxford, of which he had to bear the brunt, and at the difficulty of making all that he said and did intelligible to such critical constituents. As long as he remained member for the University, he seemed to be (and perhaps at the bottom of his soul he was) halting between two opinions. Lord Palmerston, and others of his colleagues, were glad of this; the restraints of which he was impatient were their best security against a temperament with which few of them were in sympathy, and an ambition which some of them feared.

It was in these circumstances that, early in 1861, a belief arose at Oxford that he was about to retire from the representation of the University, and to offer himself for South Lancashire, for which a vacancy was expected, or might easily have been made. Some of those who knew him best shared that belief, and were prepared to take action upon it:—I have no doubt it was really well founded.[1] Sir John Coleridge wrote to me on the 16th of March that "he supposed there would be a vacancy at Oxford, and that he hoped I would be proposed," offering me

[1] See *Life of Bishop Wilberforce*, by his son R. G. Wilberforce; vol. iii. pp. 20, 21.

any assistance which he could give. Other friends expressed the same wish; communications with them on the subject went on through that spring; the matter was put in train; and the prospect seemed all that could be desired, although in so sensitive a constituency it was not easy to foresee what difficulties might arise. There was, for instance, a question, which Sir John Coleridge stated to me on the 16th of April:—

I find in my correspondence about Oxford this sort of difficulty. Suppose (it is said) that Gladstone's going to South Lancashire is but a step towards uniting himself with Milner Gibson, Bright, and Cobden; so forming the *nucleus* of a small but formidable Radical party in the House, and beginning by upsetting the Government by secession:—Is not R. P. a thorough Gladstonian, and will not he go with him? This is feared by some people; and one man (not named to me) would *oppose* you on that ground, unless it can be satisfactorily removed. Independently of this individual, it is obvious that such a belief would ensure an opposition, and put your election in the greatest danger:—but, if the notion could be satisfactorily put down, I believe your chance is of the best. You know, there will be more colour for the belief, from the support you will receive from the Liberals.

I answered that "I could not suppose Gladstone would ever put himself at the head of a Radical section. But, if he did, it would at once separate me from him; and, great as were my respect and regard for him (too great to believe that he would ever abandon himself to demagogues), I should not enter Parliament as the mere partisan and follower of him or any one else. On leading points of policy I had my own opinions; which I thought were more

likely to be considered too Conservative by some of my Liberal friends, than too Democratic by any liberal-minded Conservatives."

All this came to nothing. To some of my warmest personal friends, and still more to others who did not know me so well, it seemed a dereliction of duty to commit the interests of which the University was the guardian, not merely to one whose confidence in Gladstone was greater than their own, but to one whose conscience permitted him to co-operate with even the most Conservative of Liberal Governments. In the meantime, Gladstone made no sign; and he did not, after all, retire, or go to South Lancashire, till he had been rejected by the University at the next general election.

In the course of that spring, Kossuth, a refugee at that time in England, was meditating some new movement in Hungary, with a view to which he made a contract with Messrs. Day, lithographers in London, to manufacture for him a great quantity of paper-money, to be issued in the name, and as if by the authority, of "the Hungarian nation." This came to the knowledge of Count Apponyi, the Austrian ambassador; who applied to Lord John Russell, as Foreign Secretary, to prevent it. He was told that in such a case our Government had no arbitrary power; and that, if anything could be done, it could only be through the medium of our courts of law, which might (and could only) be approached in the ordinary manner. The ambassador then called upon me, saying that he did so by Lord

John Russell's advice. The case was new, and one of difficulty :—the fabrication of notes, not counterfeits of any existing currency, nor capable of being passed as money or put into circulation in England, was not criminal by our law; and our courts could not interfere on political grounds for the protection of a foreign state. But a foreign Sovereign, as much as a private person, was entitled to the protection of our laws in respect of any interest in property, public or private, belonging to or properly represented by him: and I told Count Apponyi that it was open to question, whether the manufacture of these notes might not be brought within that principle. I advised him to put himself into Messrs. Freshfield's hands, without loss of time, which he did. The result was that, after a consultation between Mr. Cotton (since Lord Justice [1]) and myself, a bill was filed in Chancery in the name of the Emperor of Austria, against Kossuth and Messrs. Day, seeking for an injunction, and that any of the notes which might have been already printed off should be cancelled. We succeeded, both before the Judge of first Instance, Vice-Chancellor Stuart, and in the Court of Appeal, where the Judges were Lords Justice Knight-Bruce and Turner, and Lord Chancellor Campbell. The Emperor of Austria was held entitled to represent in a British Court of Justice the collective interest of his Hungarian subjects in preventing any detriment to the value of property

[1] Written in 1889. Sir Henry Cotton retired from the Bench in the autumn of 1890.

and commercial dealings in that country from the introduction there of spurious notes, intended to be circulated as money. The injunction asked for was granted; the notes which had been struck off were destroyed by order of the Court; and the meditated revolutionary movement fell to the ground.

On the 23rd of June 1861, Lord Campbell died suddenly: Bethell (then created Lord Westbury) succeeded him as Chancellor; and I was designated, by many of the newspapers, for the post of Attorney-General. This, however, would have been a slight to the Solicitor-General, Sir William Atherton, neither deserved by him nor desired by me. He became Attorney-General: and Lord Palmerston, on the 1st of July, offered me the Solicitor-Generalship, which I accepted. My interview with the Prime Minister lasted no more than five minutes: I stipulated that I was to be free on the Church-rate and Wife's-sister questions; to which he readily agreed: and he told me that a seat would be found for me in Parliament. Mr. (or, as he then became, Sir Henry) Rich, one of the members for Richmond in Yorkshire, in which Lord Zetland had great influence, retired; and it was arranged that I should succeed him. Lord Zetland was a Whig of the old school, and Lord Palmerston's friend.

I had the gratification of finding my appointment generally approved, and received warm congratulations from most of the friends of my youth, and from the heads of my profession. Lord Westbury, to whom I must have been in part indebted for it,

wrote:—"I am glad to think that I have at last the satisfaction of seeing you where I have often wished to place you, and often suggested to you the propriety of looking forward to and providing for it. You will agree with me, that it would have been an invidious thing, in the mind of the profession, if you had been at once made Attorney-General; and you would have been the last man to have desired to inflict such a painful and injurious blow on a very estimable and excellent person."

On the 5th of July (the day on which I received my patent), the Speaker, Mr. Evelyn Denison, wrote to me:—

I signed the new writ for Richmond yesterday with extreme satisfaction. I have long been looking forward with great anxiety to your return to the House of Commons; it has been a great want to us ever since I have occupied the chair. Do not take the trouble to answer this, but pray present yourself as soon as possible at the table. You will admire the beauty of Richmond, the most picturesque spot in the north of England.

Sir James Wigram wrote to my wife, that Lord Zetland had been a friend of his from the days when they were at Cambridge together in 1812, the year in which I was born: and, after observing that "the comforts of a Parliamentary life may be much affected by the associations into which a man is brought at the place which he represents," said he should be much disappointed if I did not appreciate Lord Zetland.

I was elected for Richmond, with no other drawback than a sharp fit of gout, which obliged me, when I took my seat, to enter the House of Commons on

crutches. The beauty of the place was equal to the expectations raised by the Speaker's description :—and with Lord Zetland, the model of an English gentleman, I formed a friendship, unbroken till his death in May 1873.

[Writing about this time to a friend in high office, Roundell Palmer says :—

One of my observations upon life is, that small men get clownish and ceremonious when they are put into important positions; while with great men the case is just the contrary. Aristotle says of his μεγαλόψυχος, that he never gives himself airs, because οὐδὲν μέγα αὐτῷ.

And it seems to me, that to a man of really great capacity and great conceptions, who is not taken in by any of the world's false shows and idols, everything actually within his grasp must always feel small.—R. P.]

CHAPTER LIII

DEATH OF SIR JAMES GRAHAM AND OF JOHN ROBERT GODLEY—QUESTIONS OF INTERNATIONAL LAW

1861–1865

I TOOK my seat in the House of Commons, as member for Richmond, on the 11th of July 1861. There was not much to be done during the short remainder of that session. But a debate[1] on some amendments of the House of Lords to Lord Westbury's Bankruptcy Bill gave me occasion to speak of Sir John Romilly, in whose Court I had been leader for the last ten years (in connection with a suggestion that the Master of the Rolls should be made Appellate Judge in Bankruptcy), as "a man worthy of the name he bore, who for a long period had discharged his duties in a manner combining, perhaps in a degree not exceeded by any other Judge, despatch, accuracy, and safety of decision." This testimony gave him pleasure; and he wrote to me on the 22nd of July :—

I do not regard very much the praise of ordinary persons, of whom I know little. But I cannot be insensible to the com-

[1] 18th July 1861.

mendations of one whom I have so long known and esteemed as I have yourself,—and I find myself unable to abstain from sending you one line, to say how deeply I feel the expression of your opinion. I have long foreseen your deserved advancement, and I shall rejoice to see you attain the highest place in our profession. I have already sworn in five Lord Chancellors; and I very sincerely hope that you may be the next, and last, to whom I shall have to perform that function.

I was by no means the next; but I *was* the last Chancellor sworn in by Lord Romilly.[1]

On the 5th of August I was knighted at Osborne. The Duke of Newcastle went down by the same train: I remember the tone of depression as to himself, in which he spoke to me. Frank Faber wrote me, a few days afterwards,[2] a characteristic letter:—

If any one were to ask why I am writing to you, I really think the answer must be, that I might have the pleasure of writing *Sir R. Palmer* on the envelope.

Then, after referring to the Act, just passed, for enabling voting-papers to be used at University elections, he continued:—

Well, the new law would have given me the immense pleasure of voting for you:[3] but I foretold to Edwin, that Mr. Gladstone would not retire. Indeed, why should he? for he only spoke of abdicating, that he might restore to Oxford her former normal tranquillity; and, as this was not to follow his departure, the reason for retiring was gone. It must be a thorn in the flesh to him to have so large a minority so fierce against him; but it could hardly be otherwise, after all that he has done to diminish the authority of his own character. I suppose his taking office under Lord Palmerston, after the contumely he

[1] He was made a peer in 1865.
[2] 26th August 1861.
[3] He was a confirmed invalid, unable to leave home.

heaped upon him at the Flint election in 1856, told the most against him. I read the speech, in which he described Lord Palmerston as "a most unfit man to govern England." When Jem Mozley[1] was here last year, he said of him: "We ought not to judge Ministers of State too harshly: when they have become accustomed to power, the loss of it is irksome, and they do strange things to regain it." Well, I daresay this is true; but still it sounds of the earth, earthy, and therefore unworthy of a man whom I once regarded

> As one entire and perfect chrysolite.[2]

I used to think that he would be Premier, and that it would be an *avatar* for the Church of England:—and now, behold him on Mr. Cheetham's committee, who would do away with all connection between Church and State!—J. B. M., however, still avowed himself a partisan of Gladstone.[3] But I think the Statesman may apply to himself the words of the Grecian beauty—

> Venus, take my votive glass,
> Since I am not what I was:
> What from henceforth I shall be,
> Venus, let me never see![4]

During the Recess, after a visit to our brother at Rose Castle, my wife and I went on to Netherby, there meeting Arthur Gordon. The Border country

[1] James Bowling Mozley: afterwards Regius Professor of Divinity at Oxford.

[2] *Othello* (Act v. Sc. 2).

[3] As to J. B. Mozley's feeling towards Mr. Gladstone, a letter written to his sister fourteen years later (19th January 1875) is interesting. "As to what is to become of Gladstone in politics, it is beyond conjecture. I cannot believe he can sink. He continues in Parliament. I can fancy it ending in a higher position than any he has yet had: he seems to have such elasticity. . . . The ordinary Liberal statesmen do seem conventional figures, compared with Gladstone" (Mozley's *Letters*, p. 340).

[4] *Prior* (vol. ii. p. 126 of Johnson's edition of the *English Poets*). "The lady who offers her looking-glass to Venus:—taken from an Epigram of Plato."

round Netherby is bleak, and not particularly interesting; but Sir James Graham's society, which we had almost entirely to ourselves for several days, was delightful. I never saw him again; he died a month after we left him. In letters, which must have crossed on their passage, Arthur Gordon and I expressed to each other our feelings on that event. He wrote from Fredericton, on the 8th of November :—

I need not tell you that I have been deeply grieved by the news of Sir James Graham's death, which reached me by telegraph with startling abruptness. Some feeling of self-reproach mingled with my sorrow; for I had made light of his own forebodings about his own health, and treated them as mere indications of his ordinary habit of taking the gloomiest view of the future in all things. But he knew his own weakness better than we thought. It is a great satisfaction to me, that I was able to spend those few days at Netherby; and I shall ever remember the kindness and confidence with which he treated me, and the affection he expressed. It is a very great loss to me. Under no circumstances could the removal of a warm friend and wise counsellor, of a powerful advocate whose influence was seldom exerted in vain, be otherwise than a grave matter;—but what I specially feel in this case is, that in him I lose the strongest link with my father which remained to me on earth. There are many still who love me, and for whose affection I am grateful,—(need I say, for yours among the number?):—there are many still, who admire my father and revere his memory:—but none now remain, who share with me that inner and more intimate knowledge of his wishes, his habits of thought, and the actions of his later years, which Graham alone, of all his colleagues, ever possessed.

I wrote on the 6th of December :—

Little did I think, when we were at Netherby together, that I should never see Sir James Graham, there or elsewhere, in this life again. His death makes the recollection of that

visit, which was unusually agreeable to me at the time, quite a thing to be treasured. I wish I had made a note of all that he said in the course of a long drive, when we were quite by ourselves, and when he spoke in the most frank and confidential way of almost everything which could interest me. Of much I retain but an indistinct memory; but I recall, as clearly as if he were now present and speaking, the calm, simple, and manly way in which, when I attempted to call in question the propriety of his standing so much apart from public affairs, he told me that his days were numbered, and that he had no more to do with this world except to make himself ready for leaving it. I own that, at the time, I felt incredulous,—not of his sincerity, but as to the sufficiency of the cause for so serious a view of his malady. He looked so strong, so much himself in every way. Never was there a man who bore about him less outward sign of failing power, or of abated spirit. But, now that I know how true the prognostication was, I look back with admiration at the composure with which he spoke of and contemplated his approaching end; and I believe that he had prepared himself to meet it as a Christian ought, and that, when the time came, he did so. He is one of the few men older than myself whom I have met with in the great world, by whom I have always felt strongly attracted. I cannot deny the justice of the criticisms which have been made upon his public character. Nothing but some considerable defect could have prevented him from being greater than he ever was; but the want of firmness, which was probably the cause of all his errors as a statesman, may perhaps have been connected with the gentleness and graciousness of manner, which made him personally so amiable. I, for one, cannot be severe upon his faults. Peace be with him!

At the distance, now, of nearly twenty-eight years, I find it difficult to estimate at its just, and not more than its just, value, Sir James Graham's character. Nature and fortune had been very bountiful to him. He had a fine person, a commanding presence, and great mental gifts. High-

bred, high-spirited, and the heir of a large estate, he had lived carelessly in his youth in fashionable and sporting circles, passing through them without reproach, though not without loss in some other respects. He gained practical knowledge of that side of the world, without sinking down to its level. As he grew older, he left it for worthier pursuits; and, soon after he began to take part in public affairs, he rose to the front rank, and established his reputation as an excellent administrator, and a speaker of the first order, second (among the men of our time) to John Bright alone, in force, hard hitting, and directness of style. That in council he was prudent, honourable, and sincere, the confidence reposed in him by Sir Robert Peel and Lord Aberdeen is sufficient to prove. He might have done anything, if he had always known his own mind, and risen above personal considerations, and had been indifferent to applause or censure. But in the House of Commons, and upon the hustings, he was never able to resist a cheer, whether his blows fell on friend or foe. There seemed to be in him a perpetual oscillation between noble and factious impulses; and, when a choice between them was necessary, the better impulse did not always prevail. By this indecision, under an outward appearance of great strength, men's confidence in him was shaken; and he became at last rather a free lance in politics than a powerful leader.

From Netherby we went to Whitby, making that small fishing-town, where the beautiful ruin of

St. Hilda's Abbey crowns a steep lias cliff, rich in fossils, our headquarters for the vacation of 1861. There, for the last time, I saw John Robert Godley, in the last stage of decline. He held a high post in the War Office, and still attended to its duties, watching the course of public affairs with unabated interest. We talked a great deal together about the American Civil War, of which he spoke with an accurate knowledge of the questions at issue between North and South. Not long afterwards, on the 17th of November, he died in London. Epitaphs do not always speak truth; but there was no exaggeration in the Latin inscription upon a monument erected to his memory by twenty-two friends[1] in Harrow School chapel, written by one of them, George William Lord Lyttelton; which I thus translate:—

JOHN ROBERT GODLEY.—A man, if there ever was one, brave, high-minded, born for the conduct of affairs and the government of men. After travelling, when young, in his native country and in parts of America, and accurately observing all that he saw, he was the first to recall the minds of his countrymen to those maxims of former times, according to which Colonies ought to be, not so much governed, as founded. He formed the design of, he took out, he settled, the Canterbury colony, now so flourishing; and he cherished it in

[1] Their names were inscribed at the foot of the tablet. They were:—C. B. Adderley (now Lord Norton); T. Somers Cocks; J. E. Fitzgerald; W. E. Gladstone; Lord de Grey (now Marquis of Ripon); M. J. Higgins ("Jacob Omnium"); Sir Walter C. James (now Lord Northbourne); Edward Twisleton; Lord Lyttelton; Forster Alleyne M'Geachy; Arthur Mills; Lord Monck; W. Monsell (now Lord Emly); Lord Devon; Charles G. Wynne (afterwards Wynne-Finch); the Duke of Newcastle; R. Palmer; R. Hungerford Pollen; W. F. Prendergast; H. J. Selfe; Sir John Simeon; Edward Thornton.

his heart as long as he lived. After his return home, he did good service in the department of Military affairs, and might have risen to the highest employments, if not prevented by failure of health. He died (as it is the manner of men to speak) prematurely, on the 17th of November 1861, aged 47. Here, in the school where he was educated, a few of his most attached friends have placed this memorial of him.

The order of time and death so brought together these names,—one of a man of extraordinary gifts, very celebrated in his day; the other rather solid than brilliant, little known to the world at large. Which life might a wise man most desire to emulate? The greatest lawgiver of the ancients would have preferred him who died in the ripeness of his manhood, having done everything which he undertook well, and having disappointed no hope ever formed of him.

My Colleagues as Law Officers of the Crown, when I became Solicitor-General, were Sir William Atherton and Sir John Harding. Atherton was a conscientious unassuming man, and a careful, sensible, common lawyer. Sir John Coleridge, in a letter written to me after the failure of his health, bore him this testimony, that from the beginning of his practice at the Bar he did with definiteness and clear purpose all that he had to do, and that he had the qualities necessary to make a good Judge. I found it very satisfactory to work with him. Harding was Queen's Advocate, having been appointed to that office (a permanent one) by Lord Derby. He was a clever but flighty and intractable man, who had never been in Parliament, and of

whom I knew little till I became his colleague. His health also broke down, in the summer of 1862; and he was succeeded, on the 14th of August in that year, by Sir Robert Phillimore, the author of some learned works on international law, and a man with a wide range of knowledge. I had been on very friendly terms with Phillimore for several years; we had sat in Parliament together, and agreed in most of our opinions. He was an intimate friend, and a most devoted personal follower, of Gladstone, with whom he was, perhaps, a greater authority than with any one else. Until the time of his appointment the Queen's Advocate had precedence over the Attorney and Solicitor-General; which anachronism was then put an end to.

During the five years of my service as one of the Law Officers, the most important part of our duties was to advise the Government upon International questions arising out of the American Civil War. It was usual for the department seeking advice, not to state a "Case" for the opinion of the Law Officers upon a definite question arising out of the facts, but to send them the originals or copies of despatches or letters and other papers received by the department from British Ministers, Governors, Naval Officers, or Consuls abroad, or from the Ministers of other States accredited to the Queen, or from private persons, when it was supposed that the answers to be given might depend on points of law,—taking the word "law" in its widest sense. If, as often happened, the communications requiring answers were in con-

tinuation of a correspondence previously begun, the earlier papers were sent, for reference, with the last; often filling bags of large size, or capacious despatch-boxes. No attempt was made (except in a very few cases) to diminish by any *précis* or abstract the trouble of getting through these; even when the matter was urgent, the Law Officers had to look into them all and find out what was material, as well as they could. With the papers, a "covering-letter" from the department was sent, recapitulating the substance of the despatches or letters to be answered, and asking to be advised; but not so as to define or limit the points on which advice was wanted, or relieve the Law Officers from responsibility if anything of importance might have been overlooked. Notwithstanding the labour thus thrown upon the Law Officers, I was better pleased with this method than I should have been if any official, in the Foreign Office or any other department, had prepared a statement of the facts to be collected from the papers, as it is the practice of Solicitors to prepare "Cases" for the opinion of counsel. I preferred a greater amount of trouble, which would enable those who had to advise to verify for themselves the facts as well as the law, to the risk of those oversights or mistakes which might have happened under a different system; great public interests being often involved, as the department in most cases acted on the advice given.

There was, however, one drawback upon this method, namely, that it did not attempt to separate questions of policy, the decision of which ought to

rest entirely with the department or the Cabinet, from questions of law, when (as not unfrequently happened) the line between policy and law was not clearly drawn. It happened in 1864 (when I was Attorney, and Sir Robert Collier Solicitor-General), that we thought it our duty, in the case of the Confederate prize called *Tuscaloosa*, which had been brought as a "tender" into the waters of the Cape Colony by her captor the *Alabama*, to suggest,[1] as a question for the consideration of the Government, whether a vessel, brought in such circumstances into British ports (from which the prizes of both belligerents were by the Queen's proclamation excluded), ought not to be detained, with a view to her restoration to her original owners if properly reclaimed by them. The Duke of Newcastle (then Colonial Secretary) acted too hastily on this suggestion,[2] and a step was taken in consequence of it, when the *Tuscaloosa* herself returned without any previous warning to the Cape of Good Hope, which considerations of good faith towards the parties in possession of that particular ship obliged the Government to retract. This led, as might have been expected, to an attack upon the Government in the House of Commons; and, although the motion of censure was defeated by a majority of thirty-four, it was im-

[1] In an Opinion, dated 19th October 1863.

[2] In a despatch, dated 4th November 1863.—The Duke resigned his office, as Secretary for the Colonies, at the end of March 1864, from ill health; and died on the 18th of October in the same year. Cardwell, who had previously been Chancellor of the Duchy of Lancaster, succeeded him in the Colonial Office.

possible to deny that a mistake had been made. Lord Westbury on that occasion sent for Sir Robert Collier and myself, and gave us a lecture on the duty of the Law Officers to confine themselves to questions of law, without meddling with policy. If that distinction had always been observed by the departments of the Government which consulted them, the Law Officers would have been saved much responsibility as well as trouble. But it was not; and, if we had declined to enter into practical considerations on which the Government would have to decide, whenever they appeared to ourselves to transcend the strict province of law, we should not have given the assistance which was expected from us, and might often have incurred blame, whether deserved or not.

The general rule, in cases of importance involving international questions, was for all three Law Officers to be consulted:—sometimes, however, cases were sent to the Queen's Advocate only; as happened in 1863, when a question, involving in the result the strong measure of forcible reprisals, arose between this country and Brazil, as to the British ship *Prince of Wales* wrecked and plundered on the Brazilian Coast. Those reprisals were taken upon the advice of Sir Robert Phillimore only. When questions of British law had to be considered, the reference was (as a rule) to the Attorney and Solicitor-General only, and not to the Queen's Advocate.

Upon the merits of the question between the Northern and the Southern States, opinion in England was much divided. Those who were governed mainly

by sentiment,—and they were many, in all classes, especially in the artisan class of the manufacturing districts, the greatest sufferers by the war,—regarded the issue as one between freedom and slavery. All these, and others friendly to democratic institutions, who thought that their success or failure in the New World might be at stake, took sides with the North. But the influence of that feeling was neutralised to others, to many of whom slavery was not less odious, by the fact that slavery had been from the first allowed by the constitution of the United States. The seceding States, whose prosperity was supposed to depend upon it, had entered into the Union on those terms; and the Northern States rested their case, not upon the anti-slavery principle, but upon a denial of the constitutional right of any State to secede. Many (perhaps most) English politicians then regarded the Federal Union as a voluntary compact between Sovereign States, and not as establishing between the Federal Government and each State the relation of Sovereign and subject. From that point of view, the contract seemed to be dissoluble at will, whenever any number of States, sufficient in power and importance to make Civil War the alternative, might think it for their interest to withdraw. There was also, in some quarters, a disposition to sympathise with any insurrection, of which political independence was the object. Many Liberals had that bias; it might perhaps be the explanation of the celebrated speech (on I forget what public platform) in which Mr. Gladstone pre-

maturely congratulated Mr. Jefferson Davis on having created a nation. Conservatives, generally, were not under the influence of that sort of sympathy: but large numbers of them appeared to think the right of insurrection inherent in the members of a democratic Confederation, which had originally established its own independence by insurrection against the British Government. They did not rely on the immediate causes of quarrel, or go deeply into the constitutional question, which they thought technical: —they deduced the right of the seceders to secede from the nature of democracy, and from the origin of the United States. Others thought it might be for the advantage of the world, that a power, so vast as that of the United States was likely to become, should be subdivided; and that in the northern, as well as the southern, hemisphere of the American Continent, there should be a plurality of independent Nations capable of balancing each other.

These various shades of opinion existed in the country, in Parliament, and within the Cabinet itself. In the House of Commons, as well as elsewhere, partisans who had not the responsibilities of office supported the cause which they espoused; and, without committing themselves absolutely to the Seceders, the Opposition, as a body, seemed to lean to that side, so far at least as to embarrass the Government as much as possible, in the measures which they took to prevent the violation of our neutrality. The influence of France was thrown into the same scale; its Emperor would have recognised the independence

of the Southern Confederation, even when the war was at its height, if he could have prevailed upon our Government to join him in doing so. Loans were negotiated in England for the Confederates; and an active trade was carried on by English shipowners and manufacturers, in the supply to both parties of munitions of war. There was on all sides great heat, and much inconvenient freedom of speech. No international law required, and no municipal law enabled, our Government to prevent these things; but the irritation of the Government and people of the United States at them, so far as the Confederates derived encouragement or benefit from them, was great:—and they and their partisans were not less disposed to demand from us departures from neutrality in their favour, than their adversaries were in the opposite direction. They were offended at our recognition of the Confederates as belligerents, and complained much and often of it as an unfriendly act; though on what other footing they could have established a blockade of the Southern ports, visited and searched British merchant-ships at sea, and seized British vessels for carriage of contraband or breach of blockade, was not explained.

I was not, myself, governed at all by sentiment in the view which I took of these matters. My feeling was (as it has always been) friendly towards the United States; and on the merits of the controversy my opinion was, that the quarrel had been forced upon them by the South without sufficient cause, and that they were within their rights in

resisting the dismemberment of the Union. But my duty was to advise my own Government as to the rights and obligations of neutrality, with perfect impartiality as between the combatants: and that duty I performed dispassionately, as well as I could. Partisans, sometimes on the one side, and sometimes on the other, were dissatisfied:—Mr. Thomas Baring, the head of the great house who were agents in London for the United States, himself a man of no small weight in Parliament, more than once objected to my views of neutrality, as too favourable to the weaker party:—Mr. Beresford Hope, on the other hand, accused me, in a speech at Liverpool, of want of generosity towards the Southern cause, which he espoused with ardour; thinking me responsible for some checks which they received, and contrasting me with some other member of the Government, whose sympathies seemed to be more like his own. "No volcano" (he said) "burns within Sir Roundell Palmer";—a reproach (if so intended) which I did not feel concerned to deny. Even if the Government had been more flexible towards either side than I had any reason to believe, so long as the Queen and the Nation stood pledged to neutrality, my own view of my duty would have been the same, without regard to stronger or weaker, or to any private opinion of my own as to the merits of a controversy in which it was the declared policy of my country not to interfere.

The difficulties in which we were placed by this state of feeling and opinion, and the practical

manifestations of it which surrounded us, would have been serious, even if the solution of the questions which arose had been always easy. But this was by no means the case. Our duty, as Law Officers, was to tell the Government, as far as we could, not what was expedient, not what we might on abstract principles think a good rule, as between belligerents and neutrals, but what was actually the rule established by the consent or usage and acceptance of civilised nations, or by any law or usage binding as between ourselves and the United States, according to which the action of our Government, as neutral in this contest, ought to be determined. In the absence of express agreement between nation and nation, this could only be collected from two sources:—the doctrines acted upon by Great Britain and the United States during former wars, and the decisions of their Courts; and treatises on what is called International law.

The former of these sources of information was entitled, as between the nations from whom it came, to great weight;—the more so, because on the part of Great Britain it related, generally, to times when she was belligerent, and on the part of the United States to times when they were neutral. These relative positions being now reversed, it seemed consonant with reason and justice that Great Britain should acknowledge in favour of the United States those belligerent rights on which she had in former times successfully insisted, and that the United States should acknowledge in favour of Great Britain those

rights and privileges of neutrality of which they had themselves in former times claimed the benefit, and which had been asserted with much unanimity by their great jurists and statesmen. In estimating the value of the precedents of either country, three kinds of cases had to be set aside;—those as to which there had been controversies, not settled by agreement or concession on either side;—those which deviated from general rules under extraordinary circumstances, such as the British Orders in Council issued by way of retaliation for the Berlin and Milan decrees of the First Napoleon, and all that was merely consequential upon them;—and those which depended on Treaties or conventions to which either country was not a party, such as the Treaty of Paris of 1856, to which Great Britain was a party, but the United States were not.

The other source of information, books of international law, required careful discrimination in its use. Such books had been of late years multiplied and multiplying, both in America and upon the Continent of Europe: and the theoretical element in them, as distinguished from the historical, had been continually growing. Some of their authors put forward new doctrines, sometimes tending to restrict belligerent rights, sometimes to increase the responsibilities of neutrals, beyond anything which had received sanction from the practical usage of nations. Such speculations, even when reasonable in principle, could not make laws for nations, or place them under obligations previously unknown.

The phrase "international law" becomes misleading when it is extended beyond positive engagements binding upon those nations which are parties to them, and doctrines or usages so generally received and acted upon by civilised nations as to prove, by that acceptance, general consent. In the study, also, of those books, it was necessary to consider the characters and motives of their writers. Some of them were jurists of great, others of very little, authority. Some wrote under a national bias in defence of particular interests; others were employed as advocates of views convenient to the situation or policy of Princes or States, under whose influence or in whose service they were. The interest of military and maritime nations, and of great and small States, in belligerent rights and neutral obligations, is by no means the same; and it would be very convenient to every State so to settle or modify doctrines of international law, as to make them favourable, or as little detrimental as possible, to its own interests, in its actual circumstances, or in such circumstances as might be most likely to occur.

CHAPTER LIV

BELLIGERENT RIGHTS—THE "TRENT"—MAIL-BAGS—BLOCKADE—DECLARATION OF PARIS

1861–1863

THE earliest question on which great issues depended was that of Captain Wilkes's action in taking Messrs. Mason and Slidell, envoys to Europe of the Seceding States, out of the British mail-steamer *Trent*, bound from Havana to Europe:—a neutral ship on the high seas, which had taken those passengers on board in a neutral port, and was conveying them to a neutral destination. If the United States Government had not yielded to our remonstrance, and restored the prisoners so taken to liberty, this would certainly have been treated by us as a case of war; and, if the weight of this country had then been thrown into the scale of the Southern Confederation, it can hardly admit of doubt that the Seceding States would have established their independence. Nothing of the same kind had ever been done before; the nearest approach to a precedent was the claim of this country, before 1813, not to exercise on board a

neutral ship with a neutral destination any act of hostility, such as the capture of the person of an enemy must be, but to assert, as against British seamen found on board neutral vessels, the right of their own country to their services, and to enforce it, if not conceded. It was to resist that claim that the United States had gone to war with us in 1812; all principle was against it; it was never revived after the end of that war; and in 1861 there was no British statesman who was not ready to acknowledge that it was untenable. Some of those (and they are of more than one nationality) whose habit it is to place all questions between Great Britain and the United States in the worst light possible for this country, have censured as precipitate, and as unnecessarily provocative of angry feelings in America, the preparations for the contingency of war which were made by Lord Palmerston's Government on the intelligence of Captain Wilkes's action reaching England. But that action had been received with popular acclamation in New York and Boston; had been officially approved by President Lincoln's Secretary of the Navy; and had been the subject of a vote of thanks to Captain Wilkes by the House of Representatives of the United States. He must have been a very sanguine man, and very little accustomed to the ways of Transatlantic diplomacy, who in those circumstances could have expected redress, without clear and strong proof that in seeking it this country was in earnest. In point of fact, the demand was presented in such a way, and

on such grounds, as to make compliance with it as easy as possible to the American authorities:—the last act of the Prince Consort's public life, unhappily cut short while this question was pending, was to revise, with that intention and in that spirit, Lord Russell's instructions to Lord Lyons.

The opinion of the Law Officers (given immediately upon the arrival of the news), upon which the British Government acted, pointed out that the seizure of Messrs. Mason and Slidell was unjustifiable, and a plain violation of the rights of the British flag, for a reason apparent on the surface of the case; making it unnecessary at that time to enter into other questions of substance, which might lie behind. It was obvious that there could be no justification of that act, unless the conveyance of those gentlemen by a British ship to Europe was a breach of neutrality. But, if that had been so, it was contrary to one of the best settled rules of maritime law for Captain Wilkes to decide that question for himself in a summary manner at sea:—the only way of raising it was, to take the *Trent* into a port of the United States for adjudication by a Prize Court: and, as this had not been done, neither the right of visit and search (which we did not dispute), nor any other belligerent right of the United States, could possibly warrant the capture of enemies of the United States, while sailing as passengers on the high seas in a British ship.

The Government of the United States acquiesced in the correctness of that view of the case, and

complied with the British demand, that their prisoners should be set free, and permitted to proceed to Europe. But they intimated that they regarded the *Trent* as having incurred the penalties of carriage of "contraband," by having those persons on board; and that, although Captain Wilkes ought not to have taken the law into his own hands, he would have done right if he had made prize of the *Trent*, and brought her for condemnation into a port of the United States. Upon that question a further opinion was called for from the Law Officers; which, by arrangement between us, it fell to me to prepare. The pretension thus advanced tended to the violation of important principles, and might (if insisted on) create new situations of difficulty between the two countries: it was necessary, therefore, not only to examine it carefully, but to be full in the statement of our reasons. We thought that it would be the duty of the British Government to resist and oppose, as contrary to the rights of neutral nations, the capture or condemnation of a British ship on any such ground. Our main reasons were two:—that there could be no such thing as carriage of contraband, justifying the capture of a neutral ship for breach of neutrality, when the persons or things, which might be contraband if on their way to an enemy, had a neutral and not a hostile destination; —and that neutral nations had a right, for the preservation and protection of their own interests and those of their subjects, to keep up their communications with both belligerents, and for that

purpose to send to or receive from them diplomatic or other agents or messengers. For both propositions, we had not only principle, but precedents of high authority. The former had been illustrated by many decisions, and had never until then been brought in question. The latter had been the ground of a judicial determination [1] in favour of the United States, when neutral in the war between Great Britain and France, by Sir William Scott, our own greatest international jurist, who was never suspected of a disposition unduly to limit belligerent rights. He decided that the carriage of despatches on board a ship of the United States, from the French Ambassador in America to the Government of France, was no breach of neutrality, and that those despatches were not contraband of war. "The enemy," he said, "may have his hostile projects to be attempted with the neutral State: but our reliance is upon the integrity of that neutral State, that it will not favour or participate in such designs, but, as far as its own councils and actions are concerned, will oppose them. And, if there should be private reasons to suppose that this confidence in the good faith of the neutral State has a doubtful foundation, that is matter for the caution of the Government, to be counteracted by just means of preventive policy; but it is no ground on which this Court [2] can pronounce that the neutral carrier has violated his duty

[1] *The Caroline.* (Sir Christopher Robinson's Reports. Vol. vi. p. 461.)

[2] The Prize Court.

by bearing despatches, which, as far as he can know, may be presumed to be of an innocent nature." What was true of despatches was equally true of messengers.

The opinion which we thus gave was considered at a meeting of the Cabinet which the Law Officers were summoned to attend, and a despatch, generally approved in Europe, which practically terminated the controversy, was sent to Lord Lyons,—for the most part, in our own words.

Captain Wilkes, when he visited the *Trent*, contented himself with taking the confederate Envoys out of her: he did not insist upon opening her mail-bags and looking into the letters which they contained. If he had done this, another question of great importance would have been raised, which arose two years afterwards in the case of the ship *Peterhoff*. The officer of a ship of war who visits a neutral merchant-vessel, and exercises the right of search, is entitled to call for and examine the ship's papers, and all other documents on board, for the carriage and contents of which the ship ought to be held responsible; and if the ship is taken as prize, and brought for adjudication into a port of the captor, all such papers and documents ought to be brought into Court, and made (as far as they are useful) evidence in the case. Are mail-bags carried by a neutral merchant-vessel, under postal arrangements between her owners and the Sovereign authority of the country to which she belongs, ship's papers, or documents for which the carrier is responsible,

within the meaning of those rules of maritime law? Can the visiting officer insist on opening them and examining their contents? Can their contents be brought into a Prize Court as evidence against the ship? Can the ship be condemned, if any letters contained in them should appear to be in furtherance of hostile designs against the belligerent into whose hands they come?

The *Peterhoff* was a British mail-steamer, bound for Matamoras, a Mexican port on the estuary which divides Mexico from Texas. She was seized, and taken to New York, where she was eventually condemned, as having a cargo, consisting partly of articles contraband of war, of which the real destination was Texas. Her mail-bags were not opened; but, after she was brought in, a question was raised, whether they should be brought into Court, and the letters contained in them examined, or not.

The Cabinet met to deliberate upon that question:—the Law Officers, together with Lord Kingsdown and Dr. Lushington (the most conversant of all our Judges with maritime law), and I think Dr. Travers Twiss also, were requested to attend. I went there, with a paper in which I had set down my reasons for thinking that the letters contained in the mail-bags were *not* ship's papers, or documents for which the ship was responsible, and ought not to be treated as if they were. I observed that the seals must first be broken, and the bags opened, before the contents could be ascertained. No person on board the ship could do this without a breach of the law of his own

country and of his duty towards his Sovereign. In sending them by that mode of conveyance, the neutral Sovereign had done an ordinary act of public authority; and the ship took them, not voluntarily, but under compulsion of law. It could make no difference in principle, whether they were in the custody of a special public agent, or in that of the master of the ship; each would, in that respect, be merely the servant of his Sovereign, under whose guardianship, and in whose virtual possession, the mails ought in both cases to be regarded as being. *He* accredited their destination as *bona fide* neutral and lawful. The owners and officers of the ship had no means of knowing, or of exercising any control over, the contents of the bags; the neutral Sovereign had no knowledge of or responsibility for the cargo or the navigation of the ship. It did not seem consistent with principle, either that the ship should be held responsible for the letters, or that the bags should be held involved, for any purpose, in breaches of neutrality by the ship. The ordinary system of correspondence by ship-mail between different countries under the guarantee of public authority had become, in most (if not all) civilised countries an important branch of administration. Its maintenance was necessary to the rights, and to the peaceful and commercial interests, of the nations which carried it on: and for a neutral Power to carry it on with a State with which that Power was at peace could not be a violation of any obligation of neutrality. It was, no doubt, true that the

contents of mail-bags of this description were not public despatches, nor the proper correspondence of the neutral Sovereign himself: they were the miscellaneous correspondence of private persons, the particular nature and character of which must be unknown, both to the Sovereign, and to those employed by him for their collection and transmission. But such correspondence was not an extraordinary or exceptional thing, identified merely with the particular ship or voyage: it was the necessary medium of the ordinary, regular, and legitimate intercourse between the citizens of States at peace with each other. Some of the letters in the bags might perhaps have an ulterior destination, after arriving at the post office of the neutral port to which the ship was bound: but this could not make their conveyance to that neutral port a breach of neutrality: nor could the mere possibility that there might be letters throwing some light upon the character of the ship, or of her voyage or cargo, amount to a presumption, justifying a universal fishing inquiry into the ordinary correspondence, by that mail, between the subjects of neutral nations. Particular abuses or inconveniences might be guarded against by a reasonable understanding between nation and nation: in case of any suspicion of fraud or malpractice, the course most consistent with the comity of nations would seem to be, to leave the examination to be conducted by the accredited agents of the Sovereign whose rights and honour were concerned; relying upon his justice and good faith

to do whatever might be due to the belligerent Government, in the event of anything improper being discovered.

This was the substance of what I submitted to the Cabinet. Lord Kingsdown and Dr. Lushington shook their heads at it;—they seemed to think that no limit could be assigned to a captor's right to examine, and put in evidence as he might think fit, all papers and documents, of every kind, which the ship brought in for adjudication might be carrying: and the Cabinet wisely determined to use caution in dealing with the question. The instructions sent by Lord Russell to Lord Lyons took the ground, that some practical rule, in accordance with the principles for which I contended, ought to be established (if possible) by consent between the two Governments. The overtures made with that view by Lord Lyons to Mr. Seward led to a satisfactory arrangement. The mail-bags of the *Peterhoff* were, on the application of the Attorney-General of the United States to the Prize Court, delivered with their seals unbroken to the British Consul at New York: and Mr. Seward issued instructions to the officers in command of the United States cruisers, that no mail-bags, which might be found on board vessels seized on any ground of suspicion appearing on search, should be opened; but that they should be delivered to the agents of the Governments to which they belonged, "upon the understanding, that whatever was contraband, or important as evidence concerning the character of a captured vessel, would be

remitted to the Prize Court, or to the Secretary of State at Washington." By this, it could hardly be meant that the agent of the neutral Government was to read all the letters: but it was, I suppose, expected that he would open the bags, and act upon such judgment as he might be able to form, without any improper scrutiny, as to the nature or character of their contents.

The *Trent* question had not long been settled, when the friends of the South in the House of Commons endeavoured to bring about a breach between us and the United States on a different ground: alleging that the blockade of all the ports of the Confederate States, which President Lincoln had declared, was contrary to the Declaration of Paris of 1856, and to the law of nations. A debate upon that subject was raised by a popular Irish member, Mr. Gregory (now Sir William), on the 7th of March 1862. His argument, drawn principally from some recent French writers (whose aim was to cut down as much as possible belligerent rights), had practical weight with many persons, from the pressure of such a blockade on our manufacturing industries.

By the Declaration of Paris, belligerent rights were restricted, as between the European Powers parties to the Treaty of Peace after the Crimean war, in some important respects. Privateering was abolished: enemy's goods under a neutral flag, and neutral goods under that of an enemy (unless contraband of war), were exempted from capture: and

there was an article as to blockades, thus expressed :— "Blockades, in order to be binding, must be effective; that is to say, maintained by a force sufficient really to prevent access to the enemy's coast." It was not unambiguous; but its object, reasonably interpreted, was to exclude fictitious blockades, such as those declared by the Berlin and Milan decrees of the First Napoleon, and by our own retaliatory Orders in Council. The rule of international law, which (according to that view) it reasserted but did not in substance alter, was, that a blockade, to bind neutrals, must be sufficient to make access to a blockaded port *apparently* (or, as was sometimes said, *evidently*) *dangerous*. It could not be meant by the Powers assembled at Paris that blockades were to be for the future impossible; which would be the practical consequence of making it a necessary condition of a lawful blockade that the force must be so effective, and so maintained, as to make it *impossible* for any vessel to enter the blockaded port without permission. Under such a rule, any successful breach of blockade would be evidence that the blockade was unlawful. The United States were invited, in February 1857, to accede to the Declaration of Paris: and on that occasion Mr. Dallas[1] stated to Lord Clarendon that he understood the Fourth Article (as to blockades) as only reasserting a principle, "which had long since become a fixed rule of the law of war." From that view of it, Lord Clarendon, who had been engaged

[1] Then Minister of the United States to the Court of St. James. Lord Clarendon was Lord Palmerston's Foreign Secretary.

the year before in the negotiations which resulted in the Treaty of Paris, did not dissent: and if the United States had acceded, it would have been on that understanding. But, for other reasons, they declined to accede. If, therefore, the Declaration of Paris had in this respect laid down any new rule, the United States were not bound by it.

Mr. Gregory and those who supported him contended that, whether the Declaration of Paris did or did not lay down a new rule on this point, there was no real blockade of the Southern ports, which anywhere, or in any true sense, could be considered effective. Mr. W. E. Forster, repelling that contention, examined the facts in detail: and I dealt with the questions of principle; taking my stand upon the position, that Great Britain ought to judge and act according to those doctrines of international law which had been established or acknowledged by her own jurists, on which she had acted when herself at war, and in which, when they operated in favour of this country, the United States had acquiesced. There was no exact technical definition of what constituted a sufficient force for an effective blockade; you could not, *a priori*, determine what particular number of frigates or other ships should be an adequate force in any supposed case. The improvements in modern warfare, the introduction of steam, or other similar changes, might have made sufficient or insufficient means of blockade which were not so before. But it was enough, if the blockade were so established and so maintained, that an attempt to

enter the blockaded port would be attended with "evident danger"; and, within reasonable limits, credit must be given to the judgment of the naval officers entrusted with the service. The case would have been different if the United States had claimed the right to establish a paper blockade of the Southern ports, on the ground of their territorial sovereignty, or otherwise. But this they had not done. Mr. Adams had assured Lord Russell that it was not their intention to do so; and President Lincoln, in his proclamation, declared that the ports would be blockaded, in pursuance not only of the laws of the United States, but of the law of nations; and that "a competent force would be stationed, so as to prevent the entrance and exit of vessels from those ports." Nor had there been any departure from that declaration, or any pretension that the ordinary recognised principles of the law of nations were not applicable to this blockade. Our own Government had used proper means of obtaining information as to the facts, through our naval and consular officers, and had communicated the information which they received to Parliament. The result was, that, although in certain places and at certain times there was either no blockade at all, or great remissness in enforcing it, there was at other times and in other places, and in some places at all times, a strict enforcement of the blockade. The case of every vessel affected by it ought to be determined according to its own time, place, and circumstances. The rule of procedure which belligerents ought to observe, and

to which by general international law neutrals were bound to submit, was, that every case of a vessel made prize on the ground of breach of blockade should be decided in the first instance by the proper Prize Court, and (if that decision were appealed from) by the proper Court of Appeal. If, in the last Court, any clear principle or rule of the law of nations were disregarded, or any wrong principle acted upon, the neutral country aggrieved would not be bound by the decision, but might seek for its subjects restitution or compensation. That was the law of nations:—it was not a question whether a neutral should dictate to a belligerent how to carry on operations of war, but whether in particular cases justice or injustice was done to the subjects of the neutral Government.

I endeavoured, after stating these principles, and illustrating them by examples of our own practice in former times, to give expression to what I thought the general feeling of the British nation, as to *any* war with the United States, and especially a war under the circumstances in which they were at that time placed. If, in such a case as that of the *Trent*, they had persisted in a plain invasion of our neutral rights, the responsibility would have been theirs, not ours. But if war arose from a refusal on our part to submit to the ordinary belligerent right of blockade, because it interfered with the supply of cotton to our markets, we could not look in the face Europe or the world, or hope for a favourable verdict from our own age or posterity. An armed neutrality, counteracting the operations of war, was itself war;

there were no possible means, without war, of putting a stop to or breaking up a blockade. Mr. Gregory's motion was not made under the inspiration of those classes of the British people who suffered most from the loss of the trade unhappily interrupted. They had set an example worthy of the nation to which they belonged; preferring public virtue, honour, justice, and patience, to all considerations of self-interest. The Government had been actuated by the same spirit; it had chosen and would persevere in the course of disinterested neutrality, as that of honour, generosity, and justice, and because it was the only course consistent with the Divine law, that we should do to others as we would wish others to do to ourselves.

The Speech, of which this is a summary, gained me more applause than, perhaps, any other which I ever made. The line taken in it commended itself to most people's moral sense. Some of its critics made comparisons, not to my disadvantage, between its effect and that produced by the performances of some of my most eloquent predecessors in office. "Sir Richard Bethell" (said one of them, in a paper,[1] sent by a friend to my wife) "would probably have exhibited equal subtlety and equal comprehensiveness in dealing with the legal principles which required exposition. But Sir Richard Bethell's imperturbable self-complacency and authoritative dogmatism would have contrasted curiously with the extraordinary nervousness, due (I suppose) to a strong sense of his

[1] *Manchester Examiner and Times;* 12th March 1862.

responsibility, which in some degree marred the earlier portions of Sir R. Palmer's speech, while at the same time it conciliated a sympathy, which the self-sufficing calmness of his predecessor repelled. Lord Westbury had the unfortunate defect of never appearing to be candid, and of never impressing his audience with anything more than a vivid perception of his extraordinary intellectual power." I owed nothing (it was said) to gifts of voice, or artifices of manner; my "thin bloodless face, voice slightly disfigured with a lisp and continually rising into an unpleasant *falsetto*"; my "limited and angular action, and severe simplicity of style,"—were contrasted with the expressive face, the noble organ-like voice, the graceful gestures, the well-rounded and felicitous sentences," of Sir Alexander Cockburn. Nevertheless, the same critic gave that speech of mine the palm, in point of effectiveness for its purpose, over any oration of Sir Alexander Cockburn while Law Officer of the Crown.[1]

Some men's minds were greatly disturbed by the renunciation of belligerent rights, made (as they thought) unadvisedly on our part, by the Declaration of Paris; they believed that, in the event of our being at war with any naval Power, our merchant shipping and commerce must suffer more than at any former time. Others liked those mitigations of the laws of war well enough, and wished to see them carried further. Of these two classes of men, the

[1] He was not Law Officer when he made his famous "Pacifico" speech.

former were chiefly Conservatives, the latter Economists of the Manchester School. Both agreed in desiring that under these new circumstances the capture of merchant ships and other private property at sea should be abolished. Three times,—twice while I was Law Officer, once afterwards,—motions were made in favour of that principle in the House of Commons; the first by Mr. Horsfall, Conservative member for Liverpool, on the 11th of March 1862, four days after the Blockade debate. Mr. Cobden seconded it; and the question was very fully discussed. On all those occasions I took the opposite side; arguing that the interests of peace as well as patriotism required a Government, when at war, to be identified with its people. A system of political war and commercial peace would separate the merchants and shipowners of a nation from its public interests. The change proposed would be favourable to schemes of ambition and aggrandisement on the part of unscrupulous rulers of great military States; the people would be less vigilant, and the means of carrying on war would be more easily supplied. The relative strength of naval and military Powers would be altered; and we, as the greatest naval and one of the smallest military Powers, would be the greatest sufferers. Maritime warfare would be deprived of half its scope; it would be reduced to a sort of stale-mate, if the ships of war of the stronger Power had nothing to do but to guard their own coasts and prevent their enemy from coming out of port, while the commerce both

of friends and enemies kept possession of the high seas. Nothing could be done at sea (except repelling invasion) which would affect the general fortunes of the war. The new principle would be inconsistent (as some of its advocates avowed) with blockades of commercial ports. There was an intimate connection between the naval power of a nation and its mercantile marine; which was the nursery of its seamen, and might be useful for purposes of war. If an enemy were allowed to accumulate upon the ocean great fleets of merchant-vessels, many of them might be used at short notice as transports for soldiers; and some might be powerful enough to be converted into ships of war; so increasing the resources, for aggressive warfare, of ambitious against pacific States.

As to the Declaration of Paris, I thought much of what was said had been unduly exaggerated. The abolition of privateering would be a clear gain to a commercial nation like ourselves, with a powerful navy. It had always been the effect of war with an enemy powerful at sea, that part of the carrying trade of the other belligerent passed for the time into the hands or under the flag of neutrals. But after the return of peace things reverted to their former state. The patriotism, the resources, and the elasticity of the trade of this country might be relied on now, as much as in former times. The effect of the Declaration of Paris was to remove causes of irritation between belligerents and neutrals:—it was not a legitimate or a reasonable consequence of it, that enemies should be put on the same

footing as neutrals, and the immunities of both extended.

These arguments satisfied a large majority of the House of Commons, not only on that first occasion, but afterwards in 1866 and 1867,[1] when the same proposal was renewed by Mr. Gregory and Mr. John Stuart Mill.

[1] 3rd March 1866 :—5th August 1867.

CHAPTER LV

NEUTRAL OBLIGATIONS—FOREIGN ENLISTMENT ACTS—CASES OF THE "FLORIDA" AND "ALABAMA"

1862–1863

In the year 1819, during the wars between Spain and Portugal and their revolted colonies, with a view to the better preservation of the neutrality of this country at that time, and generally in Foreign wars, Mr. Canning introduced, and Parliament passed, our Foreign Enlistment Act of that year. There was not, until then, any law in England prohibiting the equipment of ships of war for a Foreign Power engaged in war, when England was neutral. In 1721, when Sweden was at war with Russia, all the Judges were called upon to advise the House of Lords[1] on a complaint made by the Swedish Minister, that ships of war were being built here for and sold to the Czar.[2] They advised (all but one, who formed no opinion) that "the King had no power to prohibit the building of ships of war, or of great force, for foreigners, in any of his Majesty's dominions." No ship so built

[1] See Fortescue's *Reports*.

[2] Peter the Great.

could leave British territory without being properly and sufficiently equipped to enable her to put to sea, ready to receive a fighting crew and armament, though she might not be manned or armed within the jurisdiction; and to supply that equipment would, in the ordinary course of things, be part of the builder's contract. If it had been supposed by any one that it was an international duty to prevent shipbuilders from entering into or executing contracts of that kind, there had been no want of occasions, before 1819, for raising the question. The passing of the Act of 1819 was opposed by Sir James Mackintosh and other Whig statesmen, who certainly did not look upon that or any other legislation of the same kind as necessary to prevent things contrary to the law of nations.

The prohibitions of that Statute[1] were directed against "the equipment, fitting out, or arming" within British jurisdiction (without the Royal licence), of any ship, with the intent that she should be employed in any Foreign service to cruise or commit hostilities against any country with which Great Britain was not at war. Any such ship was to be forfeited to the Crown, and might be seized by the officers of the Customs or of the Royal Navy, and proceeded against for condemnation in due course of law. The service of any insurgents or revolted pro-

[1] It said nothing about *building*, or *sale*. (I refer only to those prohibitions which were material to the questions between Great Britain and the United States, which arose in this country while I was Law Officer. There were others, not necessary to be mentioned, on other subjects.)

vinces, carrying on civil war against the Sovereign or political organisation to whose authority they had been subject, was within the Act.

Upon the construction of those prohibitions, there was an important question about which lawyers differed. Some thought that they applied only to ships of war equipped, furnished, or fitted out within British territory, with such means of offence as might enable them at once to cruise or commit hostilities against an enemy at sea. Others thought this too narrow a construction, not warranted by the letter, and opposed to the policy, of the Act. In their view, any equipment whatever, within British territory, of a ship constructed for warlike use in the service of a Foreign Belligerent Power, and with the known intent that she should be employed against its enemies with whom this country was at peace, was within the words and policy of the Act; although, on the part of the shipbuilder, the transaction might be merely commercial; and although the equipment which she received within British territory might be only such as to enable her to put to sea, without any present power of engaging in operations of war. The latter was my own opinion, and that of the Law Officers my colleagues.

Whichever might be the true construction, the Statute was sufficient to cover all possible requirements of international law as to ships of either description which had been known or acted upon down to that time; and, if the view taken by myself and my colleagues was right, it went materially beyond

them. A ship of war issuing from our waters under the control of a belligerent Power in such a condition, and so equipped, as to enable her at once to engage in operations of war, and ready to do so upon the first opportunity, might perhaps, under some circumstances, be regarded as a hostile expedition, using the neutral territory for its base; which a neutral Sovereign could not knowingly permit without a breach of the duties of neutrality. But this could not be, unless (as Mr. Canning put it) "the elements of armaments" were "combined" in the ship before she left British territory. If that combination did not take place until afterwards, the case was different; we could not in that case stop her, unless the Statute authorised it; though we should certainly have had a right, without any statute, to prevent foreigners from launching a hostile expedition from British waters against a friendly Power. So long as the ship was powerless for purposes of offence, she could not be such a "hostile expedition"; though she might be liable to capture on the high seas, either as enemy's property or as contraband of war. According to the well-settled doctrines of international law, it was no breach of the duties of neutrality for the Government of a neutral State to permit any kind of contraband, however noxious, to be exported from its territory for the use of a belligerent, or to be delivered within it to his agents. No writer of any authority before 1862 had maintained that a ship constructed for warlike use, but powerless for purposes of offence when delivered to a belligerent purchaser within neutral waters, and

so continuing down to the time of leaving them, came within any rule differing from that applicable to arms and munitions of war. Great jurists, and among them some of those whose authority was most highly esteemed in the United States,[1] had treated the commercial dealings of neutral shipbuilders in the manufacture and sale of ships of war under contracts with belligerents as coming within the same principles as dealings in other things contraband of war.

If, therefore, the opinion was sound, that the equipments of a ship incapable of cruising or committing hostilities when she left British waters came within the British Foreign Enlistment Act of 1819, this was municipal law going beyond international obligation. It is unnecessary to say that no one in this country contended for a proposition so plainly untenable, as that municipal law is a proper and sufficient measure of the mutual rights and obligations of nations. But my colleagues and I thought it too clear to be open to serious controversy, that a Foreign Government, seeking to have the municipal laws of a neutral state enforced for purposes beneficial to itself as a belligerent, which were not otherwise of international obligation, must do so under the conditions applicable to all such laws; which in a free country must be put in force by legal, and not arbitrary means.

In the Congress of the United States laws had been made during the last century and early in the present, which in 1818 were consolidated and amended by an Act, some of the provisions of which were

[1] Particularly Wheaton, their own leading writer on the subject.

nearly the same as those of our own Statute of the following year. But the leading prohibitory clause of the American Act was not equally open with the British to the larger of the two constructions which have been mentioned. It used the conjunctive preposition "*and*," where the British Statute had the disjunctive "*or*" :—forbidding any person within the territory of the United States to "fit out *and arm*, or procure to be fitted out *and armed*, or knowingly to be concerned in the furnishing, fitting out,[1] or arming," of any ship or vessel, with the intent that she should be employed in foreign belligerent service. There were also in the American Act some preventive clauses, applicable to ships, which were not found in the British; but, so far from tending to enlarge its scope, their effect was the reverse: being strictly limited to armed vessels. One of them enabled the President to employ the military or naval forces of the United States against vessels "fitted out *and armed*, or attempted to be fitted out *and armed*," contrary to the leading prohibition. Under another, security might be required from "the owners or consignees of every *armed* ship or vessel sailing out of the ports of the United States, belonging wholly or in part to citizens thereof,"—(only, however, against her employment, by such owners, to cruise or commit hostilities against a Foreign Power). Another en-

[1] The disjunctive "*or*" is here (here only) used. But (as was justly said by Baron Bramwell, in the *Alexandra* case) its use in a part of the sentence which dealt only with accessories could not enlarge the preceding description of the principal offence.

abled the Customs officers of the United States to detain a ship "manifestly built for warlike purposes," when the number of men shipped or other circumstances made it probable that she would be so employed;—only, however, if her cargo "should *principally consist of arms and munitions of war.*" There was nothing else material in the American Act:—its authors could not have been of opinion that it would be a breach of international obligation for an American shipbuilder to be permitted by his Government to build for and deliver to a foreign belligerent purchaser a ship unarmed, and incapable of engaging in operations of war when she left the waters of the United States.

The question whether these British and American Statutes were sufficient for their purpose or not received consideration on both sides of the Atlantic in the winter of 1861-62. In this country it was referred to the Law Officers for their report; but, before they had made any progress in considering it, Earl Russell learnt from Mr. Adams that his Government were satisfied with their own law as it stood; and Lord Westbury advised his colleagues in the Cabinet that our law also was sufficient. To go at that time to Parliament for additional powers might under any circumstances have been difficult;—to do so without being able to say that what was done here would also be done by, or at least proposed to, the Congress of the United States, was impossible. It was not till peace had been restored, and after the difficulty of bringing the Act of 1819 to bear upon all

cases which it was desirable to reach had been proved by experience, that the first step in that direction, the appointment of a Commission to inquire into our Neutrality Laws, was, or could prudently be, taken. This was done by the Conservative Government of 1866-68.[1] The result was, that in 1870 the Act of 1819 was replaced by one much stronger, sufficient to reach, without ambiguity, every kind of equipment of ships for a foreign belligerent service. But the United States have as yet done nothing to strengthen or improve their law of 1818. Notwithstanding the Treaty of Washington, and the Award against Great Britain at Geneva, the means provided by their law for the fulfilment of obligations which that Treaty has unquestionably made international between the two countries (whatever they may have been before), would at this moment, if Great Britain were engaged in a war in which the United States were neutral, be inferior[2] to those of which the British Government was in possession during the Civil War of North and South;—inferior in any view, but more especially according to that larger construction of the Act of 1819, which was adopted throughout by Lord Palmerston's Government.

[1] I was a member of the Commission.

[2] Mr. George Bemis, a learned American jurist, in a pamphlet published at Boston in 1866, under the title *American Neutrality; its honourable past, its expedient future* (which at the time of its appearance attracted much attention), went into a careful examination of "*at least ten important points of superiority*" in the British Statute of 1819 over the American of 1818: (pp. 67-83):—concluding (p. 83) "in many, if not in most respects, the British Statute is decidedly the more comprehensive and searching of the two."

Enough has been said of laws and obligations; it is time now to speak of those things which happened to test the efficacy of our Act of 1819.

The Confederate States, by agents sent to this country, entered into contracts with shipbuilders in the Mersey and the Clyde, for the construction of ships of war for their service. The shipbuilders were advised by Mellish (afterwards Lord Justice), than whom there was no better lawyer at the English Bar, that the Statute applied only to ships capable of cruising and committing hostilities against an enemy when they left British waters. In execution of those contracts, six ships altogether were built:—two of which (those first completed) passed into the purchasers' hands without being stopped by our Government, and were afterwards effective cruisers against the United States. A third (the *Alexandra*) was seized at Liverpool, tried, and acquitted; and after her acquittal became a Confederate cruiser, in which character, however, she practically did nothing. The other three[1] were seized, and were effectually prevented from passing into the hands of the Confederate States. Besides these six, there were several more, against which information ascribing to them the same character and destination was from time to time submitted to our Government, and pressed upon them with much urgency by Mr. Adams;[2] but as to which it turned out, that the consuls or agents of the United

[1] With one of these, the *Pampero*, built in the Clyde, the Scotch and not the English Law Officers had to deal.

[2] The Minister of the United States to the Court of St. James.

States had been misinformed; showing the necessity of requiring evidence, before acting in such cases on mere suspicion or allegations unsupported by proof.

The two ships which, after leaving our shores, became effective Confederate cruisers, were the *Florida* and the *Alabama*.[1]

With respect to the *Florida*, I have been as little able to understand since the Award at Geneva as I was before, how the British Government could be held worthy of blame. She was built and fitted out, without any armament or means of offence, by two Liverpool firms. The first information about her which reached us was from Mr. Adams, on the 18th of February 1862, sending a letter of the preceding day from the American Consul at Liverpool. The Consul, Mr. Dudley, had written about that ship some time before to Mr. Seward, stating that she was all but ready to go to sea, and seemed to be about to leave without her armament; and that he suspected her to be intended for the Confederates; but adding that much secrecy was observed about her, and he had been unable to get anything definite: — the builders pretended that she was built for the Italian Government; but the Italian Consul at Liverpool knew nothing about her. To Mr. Adams he said (enclosing a copy of that letter), that from information obtained from many different sources (which he did not specify), he was satisfied that she was intended for the Southern Confederacy. Mr. Adams "enter-

[1] In the builders' yards, the *Florida* was called *Oreto*, and the *Alabama*, *No. 290*.

tained no doubt" that Mr. Dudley's suspicion was well founded; but he gave no reason for his belief, beyond the names of the Liverpool firms concerned in the building and outfit. As this was the first, so down to the time of the ship sailing it was the only communication made to our Government from any quarter, raising so much even as a case for inquiry. Lord Russell made inquiries without delay, through the Collector of Customs at Liverpool; who was informed in writing by the builder, that the purchasers were a firm at Palermo whom he named; and that one of its members had frequently visited the ship while she was being built; that he believed Palermo to be her immediate destination, and had been asked to recommend a master to take her there. On the 4th of March she cleared, for Palermo and Jamaica, and sailed on the 22nd of that month:— her crew were engaged and signed articles (knowing nothing to the contrary) for a voyage of not more than six months "from Liverpool to Palermo, and thence, if required, to a port or ports in the Mediterranean or the West Indies, and back to a final port of discharge in the United Kingdom." No evidence to show that all or any part of this was false or colourable was in the possession of our Government, or of Mr. Adams or Mr. Dudley, before she sailed. She was, however, taken, not to Palermo, but to Nassau in the Bahamas; which she reached (as she left England) unarmed, uncommissioned, and incapable of offence. While there, the fraud practised on her crew came out: and when it was found that she was

putting on board a cargo of arms and ammunition, she was seized, and brought to trial in the Vice-Admiralty Court of the Colony; the Judge of which, on the 2nd of August 1862, acquitted her; the only question before him being, whether she had committed any offence against the Foreign Enlistment Act within his jurisdiction; of which he thought there was no sufficient evidence. From Nassau she made her way to the Confederate port of Mobile: it was there that she received her commission, her armament, and her fighting crew: she remained there several months; and it was not until she issued from that port, as a ship of war of the Confederate States, that her first cruise began.

The case of the *Alabama* was different. She escaped seizure in this country, when evidence justifying it was in the possession of our Government, through an unfortunate delay at a critical moment;—she took in her armament, and the officer of the Confederate Navy who was to command her, in Portuguese waters or at sea near Terceira, from a British vessel sent out from Liverpool for that purpose;—and from that time she was a commissioned cruiser of the Confederate States. Those, however, who assert that the facts as to that ship were at the time open and notorious, so as to make evidence needless, are either wilful detractors of this country, or of that numerous class who make knowledge obtained after an event stand for proof before it.

It was not till the 21st of June 1862, when the ship was nearly ready for sea, and had been out on

her first trial trip, that the attention of Mr. Adams was called to her. Mr. Dudley, writing to him, described her as a formidable and dangerous craft, capable of doing much mischief to the commerce of the United States, if she should pass into the hands of the Confederates; for whom (according to his belief) she was intended. But he had then no evidence:— "The strictest watch" (he said) "is kept over this vessel; no person except those immediately engaged upon her is admitted into the yard." Mr. Adams, two days afterwards, sent this letter to Lord Russell, asking for "such action as might tend either to stop the projected expedition, or to establish the fact that its purpose was not inimical to the people of the United States." Lord Russell at once set inquiries on foot; and the matter was referred to Sir William Atherton and myself (the Queen's Advocate not being associated with us in that reference), for our opinion: which was, that, if the facts were as represented, steps ought to be taken as early as possible to prevent the vessel from going to sea; and that Mr. Adams should be informed that the course which the Government might take must depend upon the evidence which could be obtained.[1] The Commissioners of Customs reported to the Treasury on the 1st of July that there was no attempt to disguise the fact that *No. 290* was intended for a ship of war; that a report was current (which the builders did not deny) that she had been built for a Foreign Government; but that they did not appear disposed to answer any

[1] This opinion was signed on the 30th June 1862.

questions respecting her destination; and the Customs officers had no information on that point on which they could rely. Further communications followed between the Collector of Customs at Liverpool and Mr. Dudley; who on the 21st of July placed in the Collector's hands six depositions, the first evidence which he had been able to obtain. Two more were added on the 23rd, and a ninth on the 26th; all which, in due course, reached the Commissioners of Customs, the Treasury, and the Foreign Office. On the effect of the two earlier portions of this evidence Mr. Dudley consulted Mr. Collier (afterwards Lord Monkswell), and was advised that it was sufficient, and that a heavy responsibility would be incurred if the ship were not detained. But the solicitor and counsel of the Board of Customs, taking a different view of the Foreign Enlistment Act, thought it insufficient; and, although Mr. Collier's opinion was communicated to them, they were not convinced by it. On the 23rd of July the first eight depositions, with a copy of Mr. Collier's opinion, were referred by Lord Russell to the Queen's Advocate and the Attorney and Solicitor-General, under a covering letter of that date; and by another covering letter of 26th July (a Saturday), the final deposition (which added nothing of importance to the rest) was sent after them.

The delay to be accounted for occurred between the 23rd and the 29th of July. It was at that time usual for letters addressed by any department of the Government to all the Law Officers to be delivered

first to the Queen's Advocate;[1] and for him, after considering them, to send them on to the Attorney-General, from whom (unless a meeting for consultation were appointed) they would go to the Solicitor-General. If the Foreign Office messenger, whose duty it was to deliver the papers referred to the Law Officers on the 23rd of July, did not know that the Queen's Advocate was too ill to attend to business, he would naturally leave them at Sir John Harding's house or chambers.

Judged by the event, it is easy to say that it was an error on the part of the Government not to send orders to the Collector at Liverpool to detain the *Alabama*, during the interval between the 22nd of July and the receipt of the opinion of the Law Officers upon those papers. But the necessity for such a step was, to say the least, not obvious. No case[2] had until then occurred to put the Government on their guard against stratagem or surprise on the part of the shipbuilders, who were a firm of high standing at Birkenhead; their senior partner representing that town in Parliament, and being a man of influence with the Conservative party, to which he belonged. The Commissioners of Customs naturally placed confidence in their own legal advisers, and could not be

[1] Until the appointment of Sir Robert Phillimore as Sir John Harding's successor, the Queen's Advocate had official precedence over the Attorney-General.

[2] The *Florida*, then under seizure at Nassau, had been built by a firm unconnected with the builders of the *Alabama*, and had left Liverpool without any stratagem or surprise beyond the engagement of her crew, and clearance, for a false destination.

expected on their own responsibility to act against their opinion. The Foreign Office, seeking advice in the usual manner on what was really a question of law, would expect to receive that advice promptly, and would naturally defer action till they did so. It was not, and could not be, foreseen that, without any fault or neglect on the part of the Law Officers, there would be a delay of several days before the Government was in possession of their advice.

For myself, I knew nothing about any of those papers, until late in the afternoon of Monday the 28th July; when I met the Attorney-General, by his appointment, in the Earl Marshal's room near the House of Lords. We then read and considered the evidence on which Mr. Collier had advised, together with the deposition afterwards sent; and we agreed with Mr. Collier's opinion, and recommended that the ship should be seized without further delay. Our report was in Lord Russell's hands early the next day; and orders were immediately sent down to Liverpool for her seizure: but in the meantime she was gone. On the 28th she went out of dock, and at daybreak on the 29th left the Mersey on what was represented as her second trial trip, with a number of ladies and other guests, who had been invited, on board, as if for a holiday excursion. She was taken to Moelfre Bay in Wales, where she put the party of holiday-makers on shore; and then sailed, just as she was, unarmed and incapable of offence, for the Azores, with a crew who had signed articles for Nassau or some intermediate port. She

was met near Terceira by the *Bahama*, a ship sent out from Liverpool by other parties than the builders, from which she received her armament, and Captain Semmes her future Commander, accompanied by about fifty men. He was provided with a regular commission from the Confederate Government, and took command of her as a Confederate man-of-war, hoisting the Confederate flag. Some of the men who came with her from Liverpool were induced to enlist in the Confederate service, and to sign new articles. From that time she was called *Alabama*, and began her destructive career.

The *Bahama* had cleared for Nassau from Liverpool in the ordinary way. No information about her had reached our Government, directly or otherwise. There was nothing, when she left Liverpool, to suggest that she was in any way connected with the *Alabama*, or to distinguish her from any ordinary blockade-runner with a cargo of munitions of war. Nobody who was not in the secret,—not even Mr. Dudley,—knew where the *Alabama* was going. Mr. Dudley on the 30th of July thought it probable that she would go to Nassau, and afterwards believed that she was going to a Spanish port, and (still later) that she would try to reach a port of the Confederate States. Our Government had no better means of knowledge. Their orders to detain her were sent, not to Liverpool only, but (as soon as it was known that she was gone) to other ports, in or near which it was supposed she might be likely to be found.

I have said that I myself knew nothing of the

papers sent for the opinion of the Law Officers till late in the afternoon of the 28th July: and I am confident that, if Sir William Atherton had seen them before that day, they would have been promptly attended to. No one was less likely than Sir William Atherton to be guilty of neglect or delay in such a matter. How it happened that they did not reach his hands sooner, I have never certainly known:—if (as I have sometimes thought possible) a day may have been lost by their being left at his chambers after office hours on Saturday the 26th, there were still some days unaccounted for. On the 31st of July 1862, when the facts were so recent that he could neither be ignorant of them nor mistaken, Lord Russell told Mr. Adams that some delay had occurred in consequence of Sir John Harding's illness. It was not till the summer of 1869, when the Senate of the United States had rejected the Convention negotiated by Mr. Reverdy Johnson, and the controversy about this ship had assumed an acrimonious character, that anybody thought of inquiring closely into the exact circumstances of the delay. At that time both Sir William Atherton and Sir John Harding, and all persons connected with either of them who could have thrown any light upon the matter, were dead; and Lord Russell's recollection was no longer clear. His Under-Secretaries in 1862 were Mr. Hammond[1] and Mr. Layard.[2] He made inquiries, probably of both; and he sent me a copy of Mr. Hammond's

[1] Afterwards a peer; in 1862 permanent Under-Secretary.

[2] Sir Henry Layard; in 1862 Parliamentary Under-Secretary.

reply;[1] who said: "The Foreign Office could not divine that poor Harding was mad, even if they had known that he was ill, which they hardly could do. The reference being made, as it was at that time, to the 'Advocate, Attorney, and Solicitor-General,' the papers may be presumed to have gone first to Harding's chambers; whose clerk ought to have sent them on at once to the Attorney-General, when he learnt that his own master was incapacitated from business." I do not know what Layard wrote, if he wrote anything; but he has told me lately (in 1888), that he remembers that the papers were, in fact, left at Sir John Harding's chambers or house; and that the delay led to inquiry, with the result that they were recovered, and sent on to Sir William Atherton.

Of the way in which contemporary history may be manufactured, even by those of whom it might not be expected, it is difficult to imagine a stronger example than that contained in a chapter of Mr. Thomas Mozley's *Reminiscences*,[2] in which Sir John Harding, who had been his schoolfellow, and with whom he kept up some acquaintance in later life, is commemorated. A story is there told of Mozley meeting Harding in the street, and telling him that "the Government complained that he (Harding)

[1] August 1869.

[2] *Reminiscences, chiefly of Oriel College and the Oxford Movement* (2nd Edition, 1882; chapter 92). Mr. Thomas Mozley married one of Cardinal Newman's sisters. He was in Holy Orders; but for many years relinquished professional duty for work on the *Times*. (See, as to his earlier days, Vol. I. page 380, of the *Memorials*.)

would not give them an opinion" about this ship; and that Harding replied, "They won't send me a case." To which it is added:—

> I met him again very shortly after the *Alabama* had got away. He told me that he had been expecting a communication from Government anxiously the whole week before; that the expectation had unsettled and unnerved him for other business; and that he had stayed in chambers rather later than usual on Saturday for the chance of hearing at last from them. He had then gone to his house in the country. Returning on Monday, when he was engaged to appear in court, he found a large bundle of documents in a big envelope, without even an accompanying note, that had been dropped into the letter-box on Saturday evening. To all appearance, every letter and every remonstrance and every affidavit, as fast as it arrived from Liverpool, had been piled in a pigeon-hole till four or five o'clock on Saturday, when the Minister, on taking his own departure for the country, had directed a clerk to tie up the whole heap and carry it to Doctors' Commons.

Upon this foundation Mr. Mozley moralised:—"But what a specimen of British Administration!" etc. etc.—The story, from first to last, is mythical. I do not dwell upon the absurdity of the earlier part of it, which represents the Government as complaining of Harding for not giving an opinion for which they had not asked, and Mozley (then, I believe, a regular writer for the *Times*) as knowing that they did so; and also represents the matter of the ship afterwards called *Alabama* as being notorious enough to be talked about in the streets, at a time which (if there had been truth in the story) could not have been long after Mr. Adams's first letter on the subject to Lord Russell. That letter was dated the 23rd of

June; my own and Sir William Atherton's opinion on it was given on the 30th of June; and no further communication about the matter was made to the Government, till Mr. Dudley had collected his evidence; the first instalment of which (as already stated) was placed in the hands of the Collector of Customs at Liverpool on the 21st of July. The last opinion ever signed by Sir John Harding as Queen's Advocate was on the same day, the 30th of June, on which I and Sir William Atherton gave our advice on that matter; and he would of course have joined in our opinion, or given a separate one of his own, if the reference had been to him as well as ourselves. As to the rest of the story, the fact is, that during the greater part (if not the whole) of July 1862 Sir John Harding was disabled from attending to either public or private business. He could not have been in his chambers, or attending to any engagement in Court, on Saturday the 26th or Monday the 28th of July: for he was then and for some days previously under care as a lunatic, without prospect of recovery. If he had been sane, and had found "the large bundle of documents" which he is said to have described to Mozley in his chambers on the 28th, the consultation of the Law Officers upon them would have been at a time and place appointed by him; and his (unless he dissented) would have been the first signature to their Report. It is impossible that Thomas Mozley should have met him, and conversed with him as a sane man at large, after the escape of the *Alabama*.

It is, perhaps, not very surprising that the writer,

who either drew upon his imagination for these supposed facts, or accepted them upon the authority of a man of disordered mind, should have followed them up with equally groundless imputations upon the honour of the members of Lord Palmerston's Cabinet. "There was not" (he says) "one of Her Majesty's Ministers who was not ready to jump out of his skin for joy when he heard of the escape of the *Alabama;* and it was they who drove poor Harding out of his mind, not he who hampered them." Among the Queen's Ministers at that time were the Duke of Argyll, Lord Russell, and Sir George Lewis, all friendly to the cause of the North: and if some of their colleagues had (as was supposed) sympathies in the other direction, it is due to them to say that, having been in frequent official communication with them all, I never heard a word fall from any one of them expressive of anything but regret that the orders for the detention of the *Alabama* were sent too late.

Looking back after the lapse of nearly thirty years, I doubt whether it would not have been right for the Government to pursue the *Alabama* on the high seas, and, if they overtook her while still under the British flag, to take possession of her as forfeited to the Crown. In the view of those who regarded her departure from this country, under all its circumstances, as in the nature of a hostile expedition against the United States, a precedent might have been found in the action of the Duke of Wellington's Government in 1829 as to the Terceira expedition.

That precedent, indeed, had not been held in great esteem by our jurists; and our Government did not take such a view of the facts and the law as would have made it applicable. The attempt, if it had been made, would probably have failed, from our ignorance of the direction in which the ship was sailing. Lord Russell did propose to the Cabinet, on the suggestion of the Duke of Argyll, to direct our Colonial authorities to detain the *Alabama*, if she should come within their power; he went so far as to prepare a despatch for that purpose: but everybody else was against it, Lord Westbury especially; and the despatch was not sent.[1]

Another and more difficult question[2] was, whether the *Alabama* (and perhaps the same question might apply to the *Florida*) ought not to have been excluded from British ports after she was commissioned as a public ship of war of the Confederate States? Of the grounds on which that course was urged upon the Government by partisans of the North, some were plainly untenable. We could not acknowledge the Confederate States as belligerent, and at the same time limit them in the exercise of any rights of war, whether at sea or on land, which would have been competent to an independent power. To say that, because the United States had declared, and had established as far as they were able, a blockade

[1] See Mr. Spencer Walpole's *Life of Lord John Russell*, vol. ii. p. 355. By some mistake, the *Florida*, and not the *Alabama*, is there spoken of.

[2] This and the former were both questions of policy, as to which the Law Officers were not consulted.

of all the Southern ports, the ordinary rights of maritime warfare should be denied to them, would have been a departure from neutrality as flagrant as if we had, on the other hand, refused to recognise the blockade. The rule as to bringing prizes into port for adjudication by a Prize Court of the captors' country was established in favour of neutrals only, not of enemies. We could indeed, and we did, prohibit them from bringing their prizes into British ports; but that exclusion was impartial, equally applicable to both belligerents. As to Confederate ships of war, therefore, against which no violation of our own rights as neutrals could be alleged, there was no difficulty; the doubt was as to those which, if they had never left British territory, might have been proceeded against for breaches of the Foreign Enlistment Act.

In the case even of the *Alabama*, the strongest of this kind, we did not consider that the circumstances under which she left this country constituted, on international grounds independent of our own legislation, a violation of our rights as a neutral Power. It was on the ground only of our Foreign Enlistment Act, that we had any charge to bring against her. She was never a pirate or a privateer, as the authorities of the United States often called her. All that she did, from the day when she received her armament, was done by her as a public ship of war, regularly commissioned by a *de facto* Government, which Great Britain had recognised as having the rights of a belligerent according to the

law of nations, and towards which we had undertaken the obligations of impartial neutrality. To seize her after she had acquired that character, or even to exclude her from access to our ports on the same terms on which the ships of war of the United States were permitted to enter them, would have been in the nature of reprisal for an assumed offence against ourselves. A neutral State may make reprisals for any offence of a belligerent committed against itself, if necessary for its honour and interest; but it is under no obligation towards the other belligerent to do so. If it were, any offence against its neutrality might compel it, without regard to its own policy or interest, to go to war; which in principle is absurd, and might under some circumstances be ruinous. If it had been certain beyond dispute that our neutrality had been violated by the Confederate States or their agents, it was within our right to take or not to take hostile measures against those States on that account; but it was not within the right of the United States to insist on our doing so. The difference of opinion which existed as to the construction of our Statute could not be lost sight of, when the question was removed beyond our territorial jurisdiction. The *Alabama* had not been tried or condemned; and we knew that what the agents of the Confederates had done in this country was under the advice of high legal authority, to which they might honestly give credit, and according to which they did not break our law. There was no test[1] to

[1] A prosecution of the builders might have been possible, but

which that question could be brought, after the ship had passed beyond our jurisdiction. We had no diplomatic or other means of communication with those States, for the purpose even of discussion or complaint. After the ship had been commissioned under the Confederate flag, the principles (as we understood them) of international law,—principles exemplified in more than one well-known case decided in the Courts of the United States under their own Foreign Enlistment Act,—required her recognition as a public ship of war, exempt from the territorial jurisdiction of any nation in whose waters she might be found, without any retrospective inquiry into her history. The difficulty of subjecting her to exceptional treatment, on grounds the validity of which could not be tried, was illustrated by a motion which Mr. Thomas Baring made in the House of Commons on the 14th of May 1864, with reference to another ship, the *Georgia;* which (he insisted) was an offender against our neutrality, equally with the *Alabama*,—his conclusion being that both should on that ground be excluded from our ports. In point of fact, the *Georgia* had been equipped for war beyond British jurisdiction, without any violation of our law, or any offence (so far as we were concerned) against international law; as was eventually established, to the satisfaction even of the

would have been very imprudent. The Judge might (like Chief Baron Pollock and Baron Bramwell) rule the question of law in their favour; and, even if he did not, it might have been difficult to get a jury to convict, in the prevailing temper of men's minds at that time.

Arbitrators at Geneva, Mr. Adams included. The opinion of our Government, that it would have been a departure from neutrality to exclude from British ports any duly-commissioned cruisers of the weaker belligerent, on grounds which could neither be substantiated nor investigated as against that party to the war, while all the ships of war of the stronger party were admitted to them,—was at least one which an honest and impartial neutral Government might derive from the principles until then accepted among nations. As such, I vindicated it in the debate of 1864 on Mr. Baring's motion, and upon more than one other occasion.

It was my duty, on the 11th of March 1863, to defend the Government in the House of Commons from the charge of neglect or bad faith in the matter of the *Alabama*. I did so, with a full conviction that truth was on my side. Taking the question to be, whether we had used proper means to put our law in force, I insisted that the Government of the United States had no right to complain, if the Act was enforced in the same way as other English laws, "on evidence, and not upon suspicion; on facts, and not on presumption; on satisfactory testimony, and not on the mere accusations of a Foreign Minister or his agents." The Act must not only be interpreted, but executed, according to law. It could be put in operation only on such evidence as would be sufficient to justify proceedings in any other case. I quoted the doctrines and precedents which I found in American law-books; and observed, that the com-

plaints of the United States extended to many other matters (among them, the recognition of the Confederate States as belligerents), as to which international law was, beyond all question, against them. I dwelt upon the identity of the principles on which the United States had acted in the application and enforcement of their own Neutrality Laws; and I referred to some instances in their recent history (which might have been multiplied) to show that failure to prevent violations of those laws, even when it was known beforehand that they were likely to occur, was no proof of culpable neglect or bad faith.

I admitted that there would be an international ground of complaint, independent of the Statute, if our Government themselves, directly or indirectly, were concerned in fitting out a ship of war for one of the belligerents, or if they knowingly permitted a belligerent Power to use our waters for operations of war. But this had not happened; and if our shipbuilders had done nothing more than would have been lawful but for the Foreign Enlistment Act, then the whole extent of the right possessed by the United States was to ask us to administer our laws upon the same principles, and in the same manner, as we should administer them in a case in which we were ourselves concerned. Tried by that test, I vindicated the good faith and upright intention of our Government; declining, as I went through the dates, to spell out the matter by hours and days. The course taken in putting the papers before the Law Officers for their advice had been usual and reasonable;

and the delay, whatever its consequences, was not wilful.

That Speech was well received, both by the House and in the country. It might perhaps have been otherwise, if all that has since happened could have been foreseen; though, for my own part, I see no reason to repent of anything which I said. There were, however, even among my own friends, some who would have better liked a more apologetic tone. Goldwin Smith suggested a comparison between it and Wedderburn's speech before the Privy Council in 1774, which made Franklin his mortal enemy. But I said nothing inconsistent with the goodwill towards the United States which I always felt, and for which I think I have had credit in that country. Our American kinsmen could hardly be offended at our using, when put upon our defence, as decided a tone as they always use themselves when engaged in political controversy. My arguments may not have been (doubtless they were not) approved by them; but I cannot plead guilty to the charge, which I do not believe any of them would bring against me, of infusing into controversies between the two countries, then or at any other time, any unnecessary element of bitterness.

To the Honourable Arthur Gordon

6 Portland Place, *8th January* 1863.

Of Gladstone I have seen (out of the House) very little, but my opinion of him rises, rather than declines, as time goes on; and I think he has been steadily gaining ground with the general public, though never more hostilely treated by the

Derby party, and never less prominent in debate, than last session.

My wife and children are all well, the little boy growing nicely; my own health as good as ever; and my new position at the Bar sufficiently made good to relieve me from all fear of the consequences of going out of Office whenever that may happen. And will that happen soon? Cobden and Bright are avowedly in league with Disraeli to turn Lord P. out, on the ground that he is the Conservative; and everything betokens a session of very sharp party warfare, which, if the mass of the Opposition hold together in critical divisions, must lead to an early Dissolution. What will follow then? I do not feel confident that we should be at all stronger in a new Parliament than in this. Lord Derby will have on his side all the Irish (having contrived to get credit with the Roman Catholics if not for being a positive friend to the Papal power in Italy, at least for being very much less hostile to it than Lords Palmerston and Russell); he will also have many of the Radicals, who may think that the return of Lord Derby to power would again *radicalise* the Liberal Party—he would have the just credit of his own activity, lately, in Lancashire—and he will have, as usual, all the loose drifting discontents, and all the vague hopes and desires, which are always in course of accumulation against those in power.

Indeed it is on Foreign policy that the country most trusts this Government, and most distrusts their probable successors; and therefore we may generally expect to gain by a tax on that side. Lord Russell has perhaps laid himself open a little by his Danish Despatch; but, in other respects, I feel pride in serving under a Ministry which manages such great affairs so well, especially in the presence of a schemer like the French Emperor, whose real purposes nobody understands. My official duty brings me more into contact with foreign affairs than I ever expected to be; and, the more I see of them, the better satisfied I am with the Government.

With respect to the great question of America, the situation of parties is curious. The bearing of the upper classes (Conservatives and Liberals alike) to the side of the South is so strong that, but for the apparently opposite bearing of the

intelligent industrial population, there would be some danger of the Government being driven, or drifting of its own accord, into the enormous mistake (as I think it would be) of a premature recognition of the South, *flagrante bello*. For such a step there could not, I believe, be found anything like a precedent, in the whole range of modern history, except the recognition of the United States themselves by France, which was treated by us, very justly, as equivalent to a Declaration of War; and, if we were to do the same thing now, the United States would certainly *view* the act in the same light, and would resent it accordingly; whether at once, or afterwards, would (of course) depend upon circumstances. My own belief is that they, even now, entertain the secret idea of indemnifying themselves, hereafter, in the *North*, for whatever they may lose in the *South*; and that this is the explanation of the encouragement which their Government has so gratuitously given (by the papers which they have laid before Congress) to the disposition of the Northern people to find matter for present offence, and future ill-will, in everything which we say or do. This belief makes me even more anxious, than I should otherwise be, that our public behaviour towards them should be (as it has hitherto been) thoroughly just, upright, and impartial. What I think would be most likely to happen, if we were now to recognise the South, would be, that they would determine to give the contest up, and would come to some agreement with the South as quickly as possible (perhaps not sorry to have the excuse).

CHAPTER LVI

CASES OF THE "ALEXANDRA" AND THE STEAM-RAMS—DANISH WAR

1863–1864

In 1863 the first State trial in which I represented the Crown took place. The *Alexandra*, a ship of less power than the *Alabama*, built for the Confederates at Liverpool by the same firm which built the *Florida*, was seized on the 5th of April 1863, on evidence which we thought sufficient. Like the other ships, she had not when seized, and she was not intended to receive within British jurisdiction, any armament. The question of the proper construction of the Act of 1819 was thus fairly raised. In that, as in all other cases of the same kind, the Opposition endeavoured to create as much prejudice as they could against the Government before the trial came on, by discussions in the House of Commons. Even Sir Hugh Cairns, who was retained as counsel by the shipbuilders, threw the weight of his influence into those preliminary discussions. In a debate on a motion for papers by Mr. Horsfall

on the 24th of April, the seizure of the *Alexandra* was represented as a departure from the principles on which, after the escape of the *Alabama*, the conduct of the Government had been defended; although nothing more was necessary to prove the contrary than to quote my own words. I had said that the Government were anxious to put the law in force against any person really violating it, and against whom they might be able to obtain legal evidence; and would, without partiality, follow out any clue they might possess, in order to discover and prevent such illegal practices; and I had appealed to our shipbuilders and merchants to remember that it was their duty, as well as that of other men, to obey the law, and to have some regard to the interests of their country and of peace, and even to the feelings of a Foreign Nation which might suffer from enterprises contrary to our law. If, however, the object of Mr. Horsfall and his supporters was to excite political and party feeling in favour of the builders of the *Alexandra*, they were not unsuccessful.

The trial took place in the Court of Exchequer on the 22nd of June, before Chief Baron Pollock and a special jury. The defendants were represented by Cairns and Mellish, with all the skill which they had so largely at command; there were legal arguments for the Judge, and excursions into the region of prejudice for the jury. We thought it necessary to show that the *Alabama*, a vessel constructed in a similar manner at Birkenhead, and under the

superintendence of the same persons who superintended the construction and equipment of the *Alexandra*, was a formidable cruiser in the active service of the Confederate States; and to prove this (for that purpose only) we called a witness[1] who had been an officer of the *Alabama* on her first cruise. He was not a man of good private character; and he was cross-examined with great demonstrations of triumph as to all his domestic misdeeds, although none of the facts of which he spoke were open to doubt or question. My own speeches in the House of Commons, and one of Mr. Canning, were quoted to the jury. The Lord Chief Baron, after summing up the evidence, put before the jury the question of law, on which it was his duty to direct them :—

The object of the Statute (he said) was, that we should not have our ports made the ground of hostile movements between the vessels of the belligerent Powers which might be fitted out, furnished, and armed in those ports. . . . It appears that, according to Webster's dictionary, *equipping* is *furnishing with arms;* and *furnishing* is given, in other dictionaries, as the same thing with equipping. It seems to me that, if the *Alabama* sailed from Liverpool without any arms at all, as a mere ship in ballast, so that her armament was put on board at Terceira, which is not in Her Majesty's dominions, then the Foreign Enlistment Act was not violated at all. The question is, was there any intention, in the port of Liverpool or any other port, that the ship should be (in the language of the Act of Parliament) equipped, fitted out, or armed, with the object of taking part in any contest? If you think that the object was to equip, furnish, fit out, or arm that vessel at Liverpool, then there is sufficient matter for your consideration. But if you think the object really was to build a vessel in obedience to orders and

[1] Named Clarence Yonge.

in compliance with a contract, leaving it to those who bought it to make what use they thought fit of it, then it appears to me that the Foreign Enlistment Act has not in any degree been broken. I leave you to find that by your verdict.

There was, upon the facts, no controversy. It was proved, and not disputed, that the ship was built and specially adapted for warlike use. On the other hand, she was not (and there was no evidence that she was intended to be) armed, or made capable of engaging in operations of war, within British jurisdiction. There was uncontradicted evidence that she was built for the Confederate States.

Everybody at the trial—the counsel for the defendants, as well as those for the Crown—understood the Chief Baron to lay down the law according to that narrower construction of the Statute, which made it applicable only to ships *so* equipped with arms, etc., within British jurisdiction, as to be capable of cruising and committing hostilities against an enemy as soon as they left our shores. The jury, so directed, had no choice but to return a verdict against the Crown, acquitting the ship, which they did. We desired to bring the question of law before the Exchequer Chamber (then the Court of Error at Common Law), and finally, if necessary, before the House of Lords. This could only be done at that time in one way, by what was called a "Bill of Exceptions" to the ruling of the Judge; which it was necessary to tender immediately, at the close of the trial, and before the jury left the box. This we proposed to do, and wrote out and

would have handed in our exceptions, but for the interposition of the Judge; who said, "I will accept any Bill of Exceptions you choose to tender." The proceeding was technical; the Bill had to be put in proper form and signed by the Judge; and it was usual, in cases of importance, to allow time for drawing it up. When, therefore, the Lord Chief Baron intimated that we were not to be bound by what had been prepared at the moment, and that the matter might afterwards be put into shape, we left the Court, well satisfied with that understanding. The long vacation was at hand; and it would be soon enough, if the Bill of Exceptions were settled before the end of it. That any difference could arise as to what the direction given to the jury was, did not occur to any of us as possible; we had the words before us, which seemed unambiguous. If the Lord Chief Baron were not satisfied with our way of putting it, it could be put in his own words, or in any other way (the substance being the same) which he might consider more accurate. Our surprise, therefore, was great, when, after a long correspondence with Sir William Atherton during the vacation, his Lordship disclaimed the ruling which we desired to bring to the test of an Appeal, and refused to sign any Bill of Exceptions at all. In vain did Sir William Atherton press upon him the words which he had used, and especially what he said about the *Alabama*. He replied that "the *Alabama* had no more to do with the matter than Noah's Ark."

So stood the case, when Sir William Atherton

was compelled, by the illness of which he died early in the following year, to retire from Office. I succeeded him as Attorney-General on the 24th of September; my own place being taken by Collier.

When the Courts met at the beginning of Michaelmas Term, my first official duty was to move for an enlargement of the time within which the Bill of Exceptions, in the *Alexandra* case, might be signed. I said I had no reason to believe that, on that subject, there would be any difference between our opponents and ourselves; and that I could not relinquish the hope that the Lord Chief Baron might still agree to what was necessary, in order to obtain such a determination of the real question as might be satisfactory to all parties, and useful to the public. But the Lord Chief Baron interposed; "he saw no prospect whatever of any change in the view which he had taken in his correspondence with Sir William Atherton." He denied that he had told the jury the ship must be armed in order to come within the Act, and said he had left the matter at large to them. When I stated my conviction that the jury had been guided by what they understood to be his interpretation of the Statute, he answered,—"Nothing of the kind."

His colleagues upon the Bench did not seem to like the situation; and, in their anxiety to find a way of escape from it, they suggested that they had power, by making new Rules of Court, to give a right of Appeal in Crown suits, on any matter of law arising upon a motion for a new Trial, to the Ex-

chequer Chamber; from which a further Appeal would lie to the House of Lords:—and intimated that they were prepared to make use of that power, so that, if the Crown moved for a new Trial, we might in that way get the opportunity of appealing. To this the Lord Chief Baron was willing to agree. He was more than eighty years old, having presided over the Court of Exchequer for nineteen years, with general respect. To press any further a public controversy with him, of which the character must have become personal, would have been painful and unseemly; and, under these circumstances, the only thing possible was to give up the Bill of Exceptions which he refused to sign, and to move for a new Trial, hoping to have a right of Appeal under the new Rules, which were accordingly made. I obtained a Rule *nisi* for a new Trial; and, on the motion that it should be made absolute, an elaborate argument took place. It was then admitted that the question did depend entirely upon the point of law which we had desired to raise by our Bill of Exceptions. Judgment was given on the 11th of January 1864, when the Court was equally divided. The Lord Chief Baron took the same view of the law which we had understood him to lay down to the jury at the trial, and Baron Bramwell agreed with him. The other two Judges, Barons Channell and Pigott, dissented, adopting the construction of the Statute upon which the Crown relied. As a necessary consequence of that equal division of opinion, the motion for a new Trial was refused. In vain did we appeal

to the Exchequer Chamber, and from the Exchequer Chamber to the House of Lords. In both it was held, by a majority of voices (though in both there were great Judges who differed from the majority), that the Court of Exchequer had no power to make the new Rules giving us a right to Appeal. The consequence was that the *Alexandra* was released, and passed into the service of the Confederate States. The question of law was left undetermined, or (I should rather say) in greater uncertainty than before.

The only satisfactory thing from the beginning to the end of that case was, that the Government of the United States allowed that we had done all that was in our power. They sent Mr. Evarts over to watch the proceedings; a man of honour, as well as an acute and experienced lawyer. He, no doubt, made a report to his Government, in which justice was done to our sincerity and good faith.

Nearly at the same time with the trial of the *Alexandra*, in the summer of 1863, Messrs. Laird of Birkenhead, the builders of the *Alabama*, were executing an order from the Confederate States for two very powerful Steam-Rams.[1] Mr. Adams, much alarmed by the description which reached him, made frequent representations to the Foreign Office; but it was difficult to obtain evidence of their destination. A Frenchman at Paris, named Bravay, was said by Messrs. Laird to be the principal for whom they were being built. He was, of course, not a dealer in ships

[1] Called, in the builders' yard, *El Tousson* and *El Monassir;* afterwards *Wyvern* and *Scorpion.*

of war; but it was pretended that he was acting for the Pacha of Egypt. Our Government ascertained that the Pacha had nothing to do with them. This attempt at deception, together with other information, and the experience gained in the case of the *Alabama*, led to a resolution (of which Messrs. Laird received notice) that they would not be permitted to leave the Mersey until the inquiries which were going on were completed. Eventually Mr. Grey, Secretary to the British Embassy in Paris, succeeded in getting access to papers in M. Bravay's hands, which disclosed the fact that the true contractor for them was a well-known Confederate agent,[1] the same who had superintended the construction of the *Alabama*. Mr. Grey obtained copies of the contracts, thus removing all uncertainty as to the service for which the "Rams" were intended; and when matters had been brought to this point, they were seized, upon my own and my colleagues' advice. Their sharp iron prows, from which they obtained the name of "Rams," enabled them, without further armament, to strike and destroy unarmed merchant-ships. If they had left our shores, they would probably have done a great deal more damage than the *Alabama* herself to the mercantile marine of the United States; and the almost certain result would have been war between that country and ourselves, either immediately, or on the termination (not then far distant) of the Civil War.

When Parliament met in 1864, everything which

[1] Captain Bullock.

the Government had done about these "Rams" was, as usual, found fault with by the Opposition. Mr. Seymour Fitzgerald (afterwards Governor of Bombay) in February, and Lord Derby in April, made motions for papers. Sir Hugh Cairns in one House, and Lord Derby in the other, did not disdain to appear as the zealous advocates of Messrs. Laird, reading out all the correspondence which had passed between them and the Government, and taunting us with inconsistency, because, having previously said that we could not go beyond the law, we now thought it enough to say that we had acted on our own responsibility. There was, of course, no inconsistency; it was the law on which we relied. But we declined to be drawn into a rehearsal in the House of Commons of the case which we hoped to establish at the proper time before the proper tribunal. I read, however, to the House what seemed to be a direct avowal of the facts, as to these and other ships of war for the construction of which orders had been sent to this country, on the part of the Confederate States. It was contained in a document which the Government of the United States had published as an intercepted message from Mr. Mallory, Secretary for the Naval Department in the Confederate Cabinet, and of which (being so published) there seemed no reason to doubt the genuineness. But on the 3rd of May I received a letter from Mr. Mallory,[1] under his official seal,

[1] Dated, "Confederate States of America, Navy Department, Richmond, 10th March 1864."

declaring it to be a forgery, "fabricated by the enemies of his country for purposes too obvious to require explanation"; and requesting me to give publicity to the correction; which I did, by reading his letter in the House of Commons. I never heard that any attempt to establish the authenticity of that document was made on the other side; so I suppose his denial was true, and that the Government of the United States had been imposed upon by some of their agents.

All attempts to prejudice the trial of that case, which was fast approaching, having failed, I received one evening in the House, through Mr. Tollemache,[1] then member for Cheshire, a confidential intimation, that if the Government were willing to renew an offer which they had made in an early stage of the business to purchase the "Rams," Messrs. Laird might be glad to have the matter so settled. They were, of course, aware that the trial might go against them; in which case, they would suffer a very large pecuniary loss: perhaps, also, they may have been less confident than before of the success of their Confederate paymasters. A negotiation with the proper departments of the Government followed, without prejudice to the legal position of either party. Messrs. Laird asked for the ships £300,000. The Government were willing to pay £220,000, the value placed upon them, in a finished state, by the Surveyor of the Admiralty, and on those terms to waive the forfeiture. They were of a class wanted

[1] Afterwards Lord Tollemache. He died in 1890.

in the Royal Navy. The result of the trial might depend partly upon the presence or absence of political bias in the jury; and a question might arise, as to the admissibility against Messrs. Laird of the important evidence obtained in Paris. To reject all compromise, and to rely only on the forfeiture, would under these circumstances have been imprudent as well as severe. Failure at the trial would have been a public disaster; and the object of preventing a dangerous controversy about these vessels with the United States would be secured by the proposed arrangement. The purchase was therefore made, and the litigation compromised, upon the terms offered by the Government; and that settlement was received with satisfaction in Parliament and by the country.

In the summer of 1864, the termination of the Civil War, and the conquest of the Confederates by the United States, was not thought so near as it actually proved to be. Neutrals in war, if strict in their neutrality, disappoint the hopes of and are unpopular with both parties. The South had nothing to thank us for, except that we recognised them as belligerents, with what seemed to us the proper consequences of that recognition. The North had been registering against us claims for compensation on account of their losses by Confederate cruisers built or purchased in this country, which, down to that time, we had rejected as inadmissible in principle. In any event of the war, our future relations with both parties were uncertain; and this uncertainty

had to be considered with reference to pending European questions. This was felt by Lord Russell; who, speaking of the contingencies of the future in the House of Lords, on the 26th of June 1864, said that if the result of the American War should be to restore the Union, it would be to him "most unexpected"; and that, be the end what it might, the United States must long be under the necessity of keeping up a great army and a formidable navy.

Events threatening the general peace had been for some time in progress in the north of Europe; the integrity and independence of Denmark were at stake. As long as Frederick VII., King of Denmark, lived, the merits of the question with the German Diet about the Duchies of Schleswig and Holstein were not all on one side; but he died in November 1863, and his successor, the present King Christian IX., after a short interval, put himself in the right by offering to make reasonable concessions. But the troops of Prussia and Austria occupied not Holstein only, which was a member of the German Confederation, but also Schleswig, which was not; and it soon became apparent that nothing less was aimed at than the annexation of both Duchies to Prussia. Lord Palmerston's Government, under these circumstances, did all that they could, short of war, for Denmark; nor would they have hesitated to go further, if any other Great Power would have done the same. But when the critical time came they were left alone; their diplomacy failed at all points; and, being under no engagement to help the Danes single-handed, they

had at last no alternative but to let events take their course, and to look on while the aggressors accomplished their purpose. There was, in truth, no sincerity or straightforwardness in the policy or conduct of any of the Powers with which we had to deal. France was irresolute; Russia changed her front in the course of the business, in a manner difficult to understand. The Danes themselves speculated, too much and too long, upon the motives for interference in their favour which might press upon ourselves and other Powers, disregarding the advice of their friends, and giving some provocation and excuse to Germany. For this the British Government was not to blame.

This situation of things, though there were few who thought it could have been avoided, was in England very unpopular. Great fault was found with the way in which the negotiations were conducted; we were charged with having said and done either too little or too much. Besides sympathy with a weak State oppressed by a strong, and interest as a maritime Power in the integrity of Denmark, guaranteed by a recent Treaty to which those who now attacked her were parties, there was another generous sentiment, which actuated the British nation. On the 10th of March 1863, eight months before Frederick VII. died, the Prince of Wales married the daughter of Christian IX., a lady who, from the day of her landing on our shores, won all hearts. This near alliance of our own Royal House with that of Denmark made the general sense of the

injustice done to that country more acute, and the mortification of the British people at our inability to prevent it greater.

The Opposition thus gained an opportunity of delivering an attack in force upon Lord Palmerston's Government, of which they were not slow to avail themselves. On the 4th of July 1864, Mr. Disraeli moved a resolution, charging the Government with "lowering the just influence of this country in the counsels of Europe, and thereby diminishing the securities for peace." After a four nights' debate the Government escaped censure by a majority of only 18, in a full House of 608 members. I do not remember a more exciting division. In the House of Lords, Lord Malmesbury obtained a majority of 9 for a similar motion.

If our Government had made no effort to prevent the spoliation of Denmark, they might have been justly blamed. They were accused of "menaces never accomplished, and promises never fulfilled"; in which epigrammatic form the charge against them was summed up. If anything which could be represented as either menace or promise had been insincere, and spoken or written without a purpose consistent with the language used, or without just reason for believing at the time that it could and would be acted upon in case of need, the censure of the Opposition would have been deserved. But at those times when our Government, or their diplomatic agents, had used language either of warning to one side, or of encouragement

to the other, they were justified in reckoning upon the co-operation of other Great Powers, if it should be found necessary to interfere for the protection of Denmark; and they would have interfered, if the Powers from which that co-operation was expected had not changed their minds. Sweden, in July 1863, was known to be negotiating a defensive alliance with Denmark; and France, at the same time, professed to be desirous of acting in concert with us. Russia, in September 1863, expressly promised "sincere co-operation" on the part of her minister at Copenhagen, "if the Cabinet of London thought fit, on its part, to reassure the Danish Government on the result in the event of war." But when, towards the end of January 1864, matters were brought to a point by a direct application of the British Government to both the Courts of Paris and of St. Petersburg to join us in active measures for the protection of Denmark, both refused; after which, nothing more was said in our communications with the German Powers, to which the term "menace" could be applied. As for promises, it was acknowledged by the Danish Prime Minister, as late as the 20th of December 1863, that "there was no promise of support to Denmark, if Germany should continue her aggression."

Even when the prospect of co-operation from other Powers was at an end, the resolution against interference single-handed was not at once or easily taken. The question, whether we might not be bound to defend Denmark under an old treaty of 1727, was

seriously considered; and at one moment the Cabinet had all but decided on sending a British fleet to Copenhagen.[1]

Austria and France had reason to regret, the one her action, and the other her inaction, in that war. The aggrandisement of Prussia, to which it greatly contributed, was opposed to their interests; as Austria found in 1866, and France in 1870. If Austria had refused to concur in the measures taken against Denmark, the course of events might have been different. If France had been willing to join Great Britain in giving aid to Denmark, either the Danish monarchy would have been saved from dismemberment without disturbance of the general peace, or the contest between France and Germany, which was yet to come, might have taken place under circumstances more favourable to France. To Great Britain, the consequence of an inaction forced upon her against her will may have been some loss, never afterwards repaired, of authority in Europe; and, at home, I think it shook the public confidence in Lord Palmerston's strength of will. These, however, were small evils, in comparison with the disasters which Austria and France had to endure; and it was some compensation for a diplomatic defeat, that our friendly relations with Germany, a country with which we were so closely united by common interests and dynastic ties, remained unbroken.

[1] See Mr. Spencer Walpole's *Life of Lord John Russell* (vol. iii. pp. 391, 392); published after the passage in the text was written.

LINCOLN'S INN, *20th February* 1864.

MY DEAR GORDON—. . . The Attorney-General is the being most like Sisyphus in the Universe; the stone comes down again upon his head as often as it is rolled up to the top of the mountain; and, when he says, I will just first get rid of this piece of business, and then of that, and afterwards will write to dear A. H. G., it turns out to be the old story of "Rusticus expectat dum defluat amnis," etc.[1]

We have the prospect, I think, of another quiet session here,—sorely, however, against the will of Disraeli and Co. But the state of Europe is most, most anxious; and American affairs are continually troubling us too. To go out of Office would certainly not make me miserable; though, while there is any good to be done, I cannot positively wish for it. R. P.

CASTLE HILL, SOUTH MORTON, *1st April* 1864.

We are now in the middle of the campaign, which (as I expected) the Opposition are carrying on, with every sign of a determination to lose no opportunity of damaging, and if possible displacing, the Government. It is the first regular fighting session, since I have been in office. Their newspapers profess to be very confident of carrying their point; and it is quite on the cards that they may drive Lord Palmerston to dissolve it this year, which, otherwise, he probably would not do. But, on one side, it is generally expected that we shall

[1] "For years I was obliged, more than once, in the course of a session to work two and three days together without going to bed; I even remember on at least one occasion working thus, from 2 A.M. on Monday to late on Saturday, but this was exceptional."

This I wrote down at my Father's dictation, in correction of an apocryphal statement in some newspaper that he had for years worked night and day for two and three successive weeks, only resting on Sundays.

Mr. Goldwin Smith wrote to me in August 1895: "Your Father's powers of work were wonderful. I went to his chambers when he was Attorney-General, on a Wednesday afternoon, and was told by the clerk (Parkins), that I had better not go in as Sir Roundell had not been in bed that week."—S. M. P.

weather the session, in spite of all that they can say or do. The prospect of Disraeli for Foreign Secretary, with war raging both in Europe and in America, makes other people uneasy, as well as those whose places he wants to get hold of. And I suppose there is no doubt at all that he *would* be Foreign Secretary, if Lord Derby came in.

It is also very difficult to turn the Government out on any question of foreign politics (which is the ground selected) without virtually committing their successors to a war policy; and, if this were distinctly done, it is just as likely as not that the country, upon a dissolution, might refuse to ratify it.

I remember that you were once deep in "the mysteries" of the Danish question, and personally intimate with some or one of the members of the Gluckenburg or Augustenburg family (I forget which); and I should be very much interested in knowing what you think of the whole business. That question, at present, occupies people's minds here more than any other. Everybody, almost, is strongly Danish; and, but for the enormous hazard of a single-handed intervention by this country, before France is committed to any particular policy, the country would (I think) have been in favour of our assisting the Danes. But even the dullest and most hot-headed cannot help seeing that it is wiser to try (as our Government are trying) to get the question settled by a Conference, and quench the incipient European war before it has burst into a general blaze; and, as long as Lord Palmerston's policy can be justly stated to have this object in view, I think it will be very unlikely that the country can be got to join in any disapproval of it.

In the meantime, the absolute reserve of the French Emperor (even his apparent willingness to join England in attempting to bring about a peaceful settlement) excites in my mind some surprise. If he has those territorial objects in view, for which I have always given him credit, I should have thought he would have hailed the present situation as giving him an opening beyond his hopes; and as one which, if judiciously managed and properly improved, might eventually enable him to deal with Prussia and Austria according to his own will and pleasure, without that check from this country or from Russia, which

(under almost all other circumstances) he must have calculated upon. I begin to think that I must have mistaken his policy and his character. But we shall see.

I think I mentioned in my last your letter to Kinglake. It would interest me to know whether you heard anything from him in answer to it. It was, to my mind, entirely conclusive upon the point which it dealt with; though perhaps Kinglake might say that Great Britain ought, in such cases as that of the Turkish War of 1829, to take her own line, and not necessarily to acquiesce in the inaction of the Continental Powers. (In truth, the present position as to Denmark may raise the same sort of question.) But, to my mind, the vindication is complete.

CHAPTER LVII

WILLIAM HARCOURT—SIR GEORGE LEWIS—LAST DAYS OF FREDERIC FABER—THE "BOOK OF PRAISE"—BISHOP SELWYN—MY MOTHER AT HIGHGATE—DINNER TO M. BERRYER

1862–1864

THERE were other things, less concerning the public interest, but important to myself, which occurred during the first three years of my official life.

It was in 1862 that I became acquainted with William Vernon Harcourt, a man of great abilities, and not less ambition; grandson of the most aristocratic of Archbishops, and nearly allied to the inner circle of the great Whig families. His uncle, Mr. George Granville Harcourt of Nuneham, had married the widow of the seventh Earl Waldegrave. He was conspicuous in London society for his commanding figure and lofty artificial manner. We were brought together by a series of letters arising out of the American War, extremely well written, which he contributed to the *Times* under the signature of "Historicus." Our relations became cordial, and so

continued for many years; although, except political interests, we had not much in common. I obtained for him from Lord Cranworth, in 1866, the rank of Queen's Counsel, on the strength of his attainments as an international jurist, though he had no business at the Bar, and was of only twelve years' standing; and I was in part responsible, seven years later, for his appointment as Solicitor-General. There were always those tendencies in his character, which have made him what he now is, the most thoroughgoing of partisans. But his natural disposition was generous, and his domestic affections strong and tender. He married, in 1859, a niece of Lord Clarendon and step-daughter of Sir George Cornewall Lewis; and, as long as his wife lived, the influence of Sir George Lewis, whom he held in reverence (though of a character the most opposite to his own), was very great with him. But in January 1863 he was left a widower, and in the following April Sir George Lewis himself died. He was crushed for a time by those sorrows, which brought out the best part of his character.[1]

The death of Sir George Lewis, in the full maturity of his powers, was a public misfortune. There were many who looked to him as the man best qualified, after Lord Palmerston, to be Prime Minister. Of all the members of Lord Palmerston's Government he was the most learned. His knowledge was wide and various; he was an author and translator of books,

[1] He married again, after some years, the eldest daughter of John Lothrop Motley, the historian, well known and very popular in London society as United States Minister.

classical, philological, and philosophical; his mind was critical, slow to accept opinions or theories which he thought insufficiently verified. He took to politics from intellectual interest more than ambition; the scholar always predominated in him over the politician. By temperament sedate, cool, and dispassionate, he was accustomed to try all questions by the dry light of reason. He was not eloquent in debate, nor remarkable as an administrator; but everybody trusted him. What he said was to the purpose, and what he did was prudent; his judgment was sound, and his moral qualities gave his counsels weight. His independence of thought would have made the position of a party leader, if he had been called to it, irksome to him; he was too honest to sacrifice serious convictions to popularity or power, or to yield to the impulses of faction or excited feeling on important questions. For Harcourt's weak points, no corrective could be more salutary than the guidance of such a man.

In the spring of 1863, Frederic Faber, then Father Superior of the Brompton Oratory, sent me a message that he was seriously ill, and wished to see me. I found him greatly changed in outward appearance from the friend of my youth; he had grown large and heavy, and had lost the refinement and delicacy of feature which once distinguished him. But the light which still played about his countenance, and the brightness of his conversation, were the same. There was no hope of his recovery; he looked forward with cheerfulness to his approaching end. He did

not then enter into controversial topics; all that he desired was, that there should be one more interchange of the old affection between us. After that we parted, never to meet in this world again. He died on the 26th of September in the same year. Of the modern converts from the English Church who have thrown themselves without reserve or misgiving into the Roman system, he possessed more than any one else the gift of influencing other men's feelings; and the love with which he was regarded by those who came under his influence was great, and he was well worthy of love. *Requiescat in pace!*

During those years, two honours were conferred upon me, on which I set a high value. On the 2nd of July 1862, I received from the University of Oxford, in company with Lord Palmerston, Sir James Outram, and others, the honorary degree of Doctor of Civil Law. In February 1864, the Royal Society elected me one of their Fellows, although I could make no pretension to scientific attainments; their intention to do so being announced in a letter from my friend, their President, Sir Benjamin Brodie, not less acceptable than the compliment itself:—

It has been (he wrote) the privilege of the Royal Society, from its first institution two hundred years ago, to have associated with it, in addition to the working men of science, a certain number of persons the most distinguished in other ways; so that it might be regarded as representing to a considerable extent the general intelligence of the age. In this manner the names of the late Lord Macaulay and Mr. Hallam were formerly in the list of our Fellows, as is Mr. Grote at present. Some of the most influential Fellows of the Society, as well as myself,

would be very glad to see your name in the list also; and, if you are proposed, I can see no doubt of your election. If this meets your concurrence, I can manage that some one shall do what is requisite, without your taking any trouble about it.

Even in literature, I had no claim to consideration of which the public could be aware, unless it were, that in the autumn of 1862 I had contributed to Macmillan's *Golden Treasury* a collection of hymns entitled the *Book of Praise*, which obtained a fair measure of popularity. My endeavour was to combine, in that selection, literary and poetical merit with reality and depth of religious feeling; adhering generally, as far as I could discover it, to the genuine text of the authors, which it had been the practice, in most of the common hymn-books used in churches and chapels, to alter in an arbitrary way, according to the theology or the taste (often bad enough) of each compiler. In this work I was aided by Mr. Daniel Sedgwick, a small bookseller and publisher in an obscure part of the City of London. He was a remarkable man, who had made English hymns his particular study, and knew more about them and their authors (bibliographically) than any one else then living. He obtained for me many books to which I could not otherwise have found access; by means of which I was enabled, in most cases, to ascertain the authorship, and to verify the authentic text, of each hymn which I selected, as well as to make the selection itself better than, without those materials, it could have been. There was nothing of my own in the *Book of Praise*, except the Preface;

but to a smaller hymnal for use in churches, which Messrs. Macmillan afterwards published (called the *Book of Praise Hymnal*), I added an adaptation, by myself, of the 36th Psalm.[1] The interest which I was thus led to take in hymnody did not cease with those publications. In 1864 I wrote, for Mr. Sedgwick's edition of Bishop Ken's hymns, a critical examination of certain questions relating to their text; my conclusions as to which were confirmed by the subsequent discovery of the latest edition of

[1] It is now included in a supplement to the edition of the *Book of Praise*, published 1891.—S. M. P.

PSALM XXXVI

Lord, when my soul her secrets doth reveal,
All self-condemned, before Thy Throne I kneel,
And own my thoughts unclean, my words untrue,
Deeds nothing worth, eyes blind, and flattering too.

Oh! from this death who shall deliver me?
Oh! from this torment whither can I flee?
No virtue have I left, no strength within,
Corrupt at heart, enslaved and bound in sin.

But, Lord, Thy mercy to the Heavens ascends;
Thy faithfulness beyond the clouds extends;
Like the strong mountains stands Thy Righteousness;
Deep are Thy Judgments, as the vast Abyss.

Thou, excellent in Mercy, savest still
Men and mute creatures with a Father's will:
Under Thy gracious shadow, Good and Just,
The children of mankind shall put their trust.

They from Thy house of plenty shall be fed,
And drink Joy's River from the Fountain-Head;
For Life's eternal well-spring is with thee;
And in Thy Light, light only shall we see.

O Lord! to the true-hearted men of love
Still may Thy lovingkindness constant prove!
And save Thy servant from the foot of pride:
While Thy foes fall around, be Thou my guide!

the Bishop's *Manual of Prayers for Winchester Scholars*, published in his lifetime. In 1867 I read a paper on *English Church Hymnody* at the York Church Congress; and in 1881 I contributed to the new edition of the *Encyclopædia Britannica* an article on the hymns of the Latin and Oriental Churches, as well as those of Germany and Great Britain.[1]

25th March 1862.

DEAR MR. KEBLE—Will you excuse me for taking the liberty of asking two questions?

1. Are you the author of a marriage hymn, "The Voice that breathed o'er Eden"? I do not know where to find it in any of your books.

2. The other question is, whether a short hymn beginning "Blest are the Pure in Heart," of which the greater part is in one of the poems in the *Christian Year*, but part is altered and added, is yours, or has your sanction, in the form in which it is found in the hymn-books?

I should like you to say yes, because I like it. My excuse for asking these questions is, that I have made up (*not* for use in churches) a book of my own favourite hymns, etc., and am going to have it printed.—Believe me, my dear Mr. Keble, ever yours most truly, R. PALMER.

From the time when Arthur Gordon went to New Brunswick, I was in constant correspondence with him; learning from him much as to the working of the Parliamentary system in the colonies, and finding nothing in what I so learnt to make me value less than before our own older institutions and state of

[1] This article was incorporated in a small volume entitled *Hymns, their History and Development in the Greek and Latin Churches, Germany, and Great Britain*, by Roundell, Earl of Selborne. Adam and Charles Black, 1892.

society. I heard also occasionally from Bishop Selwyn; whose letters illustrated the same state of things in New Zealand, with the additional difficulties of contact between the English settlers and a native race, whose land the settlers coveted, and who understood but imperfectly their own relations to the British Crown. There was in 1863 a Maori war, of which the Bishop did not dispute the necessity; but he said—

> I deeply regret the change of constitution, which leaves the duties of the Home Government to be discharged by the Colonial Oligarchy. The natives may have set at nought the treaty of Waitangi; but it is for the Queen, and not for one Mr. Domett, to declare that the obligations of that treaty are no longer binding upon England. It may be just that native land should be confiscated; but it is not reasonable that the Mother-country should pay all the expenses of the war, and the Colonial Government take possession of the land. From the time that the waste lands were given over to the Colony, there was an end to all hope that we should avoid collision with the natives. If the English provinces had been confined to territory actually acquired, we should not now have every provincial legislator assuming himself to be the ruler of districts in which there is scarcely a white man living, with a direct interest in pressing on the purchase of native land at any risk, and, failing that resource, to resort to war as a more speedy method.

From the beginning of his Episcopate, I had been a contributor to Bishop Selwyn's church fund; and in the letter (dated the 30th September 1863) from which the foregoing extract is taken, he rewarded me by saying:—"I am now second on the list of Colonial Bishops, and, if I am spared three weeks more, shall begin to sign 'the 23rd of my

consecration'; and during all this time you have been my steadfast friend; and if I could analyse every building in the country, you would be found to have a stone or a beam in it."

I spent the long vacations of 1862 and 1863 with my wife and children at the small seaside place of Aldborough in Suffolk, and that of 1864 at Lowestoft. Our friends, Vice-Chancellor and Lady Wood, were connected by family ties with that part of the country, and it was on their recommendation that we went there. We always found the Eastern coast more bracing and healthful than any other at that time of the year; and in the quietude of those places, which to pleasure-seekers would have seemed dull, there was a charm to a hard-worked man desiring in his vacations real rest. There was a fine open sea and good bathing; a singular coast formation, with estuaries or "broads" running for many miles parallel to and very near the beach before discharging themselves into the sea; and pleasant rides over extensive flat heaths for some way back into the country. The access to London, to which I was frequently called for consultations on Government business, was easy. In the places themselves there were only a few visitors, and nothing which could be called society; but in the neighbourhood there were hospitable and agreeable families with which we became acquainted; particularly those of Charles Austin, long pre-eminent at the Parliamentary Bar, and Mr. (afterwards Sir William) Rose, who then filled the second place at the Table of the House of

Lords, and on Sir John Lefevre's retirement became Clerk of the Parliaments.

My Mother had removed from Bath to Highgate in the autumn of 1861. With Highgate I had many associations. My old friend Charles Browne Dalton was its Rector; and the Headmaster of its Grammar-school was Dr. Dyne, also one of my contemporaries at Oxford.[1] I had often roamed over the fields and woods in that neighbourhood with my younger brothers in their schooldays, and had not unfrequently been Bethell's guest, when he lived there before he was a great man, and when he was happy in his family. To visit my Mother and sisters, during intervals of work, was now easy; and it was always a healthful thing to me, and helped to preserve the balance of my mind. My wife kept a letter written to her on one of those occasions, just after my return from Richmond when I was re-elected on being made Attorney-General. It spoke of refreshment of spirit, such as might not have been found elsewhere, obtained by reading over on a quiet Sunday some of these memorials of my sister Dorothea and letters of my Father of which I have made use in their proper place. I said—

"I cannot but think that the blessings which surround us may be due, in part, to the many prayers which those dear and holy ones, who are gone, have offered up for us; and of those blessings it is surely not the least that we may name before God in our prayers, with a good hope, all those most

[1] Afterwards my neighbour at Rogate in Sussex.

near, and many even of our more remote kindred, who still remain. When I call to mind our own precious children, and think that the time must come when they too will have to walk without parents to counsel or take care of them (as we are walking now), these thoughts are most comfortable; and they help me to believe, with fuller assurance, that He will not suffer one of them to be lost. I must say, my own best of wives, that, with the image of my Father's mind before me, I feel far more unworthy than I ought to be of all the prosperity which God has given me, and most especially of your love, the best human gift of all. May He give me grace not to be high-minded, but to fear. It is only in humbling myself before Him that I can hope to be in any degree equal to the responsibilities, which I feel are increasing upon me."

On the 8th of November 1864 I presided as Attorney-General at a dinner given by the Bar of England, in the hall of the Middle Temple, to M. Berryer. He was a man illustrious for virtue and political consistency, as well as eloquence; and it had fallen to his lot to defend, under the successive changes of Government in France during half a century, the most eminent men who had been subject to public prosecutions,—Marshal Ney (in whose defence he was associated with his father), Lamennais, Chateaubriand, Louis Napoleon, Montalembert. Himself a staunch Royalist, he had always been content to stand aloof from offices and honours, neither compromising his opinions, nor seeking to

advance them by unworthy means. In age he must have been about seventy when that entertainment was given to him, but he did not seem so old; in person he was hale and well-knit, not tall, with a very bright eye, and an open cheerful countenance. The demonstration in his honour was organised by Lord Brougham, who spent much of his time in France, and interested himself much in French affairs, —still retaining, in his eighty-seventh year, not his ancient vigour, but his restless activity of mind. It seemed, at first, as if a political difficulty might stand in the way. It was impossible for me, holding office under the Crown, to preside, if any slight or mark of disrespect were to be cast upon the Emperor, recognised by our Queen as the Head at that time of M. Berryer's nation, by the omission to propose his health in the manner which (politics apart) international courtesy dictated on such an occasion; and, on the other hand, besides M. Berryer's own attachment to the cause of legitimacy, some of those who were to take part in the proceedings entertained such animosity against Louis Napoleon as to be impatient of the mention of his name. The scruples, however, of those who so felt were overcome. I was trusted to do what I thought necessary, in such a manner as not to offend their susceptibilities; and, by making it clear that it was to the nation, as represented by its Ruler for the time being, and not to the individual Ruler, that we desired then to do honour, I succeeded in satisfying those whose sensitiveness was greatest.

M. Berryer (who spoke no English, but acquitted himself in his own tongue in a manner worthy of his reputation) was accompanied by M. Desmaretz, the *batonnier* of the French Bar, and another advocate from its junior ranks; and in the company which assembled to receive them, the English Bench and Bar were represented by many of their greatest names:—Lord Brougham, Lord Kingsdown, Chief-Justice Cockburn, Lord-Justice Knight-Bruce, Vice-Chancellors Wood and Stuart, Barons Martin and Bramwell, Justices Byles and Mellor, Mr. Gladstone as Chancellor of the Exchequer (an office with some legal duties of a formal kind), my colleague Sir Robert Collier, Sir Hugh Cairns, Sir Fitzroy Kelly, Rolt, and Montague Smith. All did their best to pay a fitting tribute to the man, and to our common profession. In proposing M. Berryer's health, I said (after touching on the chief events of his life)—

While we are delighted to recognise in him such conspicuous personal and individual merits, we are also proud that merit so conspicuous justifies us in taking this opportunity of showing our sense of the universal brotherhood which ought to prevail between the Bar of England and the Bar of France, and I trust of all the civilised world. I rejoice in seeing around me so many gentlemen of our noble calling,—a calling which vulgar minds frequently misrepresent and undervalue, but upon which in no small degree depend the rights and liberties both of individuals and of nations. It is its high privilege to supply the fair weights and balances of the scales of justice, by laying before justice all the considerations which ought to weigh on every side of every question,—to stand forward for the weak and miserable, and, upon great occasions when public liberties are in question, to assert undauntedly the public right. There are three great, inestimable blessings, which we in this country enjoy, and which

we should be glad to see all the rest of the world enjoy; and I venture to say that where they exist, public liberty cannot be extinguished. They are a free Press, a free Parliament, and a free Bar. In no country of the world has there been a Bar which has deserved greater honour than the Bar of France; and I shall carry your assent with me in saying, that at no period of the brilliant history of that Great Nation, distinguished as it has been by great names, has there been at the head of that Bar a more honest, more virtuous, more eloquent, or more able man, than M. Berryer.

When Lord Brougham spoke, an unlucky sentence escaped from him to the effect, that "the first great quality of an Advocate was to reckon everything subordinate to the interests of his client"; which Sir Alexander Cockburn, in his happiest manner, rectified. "The arms" (said the Chief-Justice) "which an Advocate wields, he ought to use as a warrior, not as an assassin. He ought to uphold the interests of his clients *per fas*, but not *per nefas*. He ought to know how to reconcile the interests of his client with the eternal interests of truth and justice."

Mr. Gladstone,—not, I think, generally very appreciative of lawyers or the law,—referred on that occasion to his Neapolitan experience:

"I have always felt" (he said) "that the Bar is inseparable from our national life, from the security of our national institutions; but never, so long as I looked at England alone, did I understand the full extent of its value. Some years ago, it was my lot to be a witness of cruel oppression in a country in the South of Europe. There, the Executive power did not merely break the law, but deliberately supplanted it and set it aside, and established in its stead a

system of pure arbitrary will. To my astonishment, I found that the audacity of tyranny, which had put down Chambers and Municipalities, and which had extinguished the Press, had not been able to do one thing,—to silence the Bar. I heard in the Courts of Justice, under the bayonets of soldiers,—for they bristled with bayonets,—in the teeth of power, and in contempt of corruption, lawyers rising in their places and defending the cause of the accused, with a freedom and fearlessness which could not have been surpassed in free England, or even by M. Berryer himself."

That Festival, if I may so call it, of the Profession to which my life had been devoted, and of which I was the official Head, was unique of its kind, and altogether memorable.

CHAPTER LVIII

"ESSAYS AND REVIEWS"—BISHOP COLENSO—FALL OF LORD WESTBURY—DEATH OF LORD PALMERSTON

1864–1865

In the year 1860 a book was published under the title of *Essays and Reviews*, containing seven dissertations on theological subjects, by as many writers, most of whom were clergymen and members of the University of Oxford. Two of them, on the important questions of the Inspiration of Holy Scripture and the future state of the wicked, were deemed by the Bishops of the dioceses in which their writers were beneficed to be at variance with the doctrinal standards of the Church of England; and proceedings were taken against the Essayists in the Court of Arches. The judgment of the Dean of Arches, Dr. Lushington, was adverse to them; but on appeal to the Queen in Council, it was, in both cases, reversed. The opinion of the Judicial Committee was delivered on the 8th February 1864, by Lord Westbury,—Lords Cranworth, Chelmsford, and Kingsdown, and Tait, Bishop of London, concurring in it, the two

Archbishops, Longley and Thomson, dissenting.[1] This judgment on the appeal caused great and general alarm among the High Church and Evangelical clergy. As usually happens in such cases, its necessary logical import was exaggerated; and the impression produced upon the minds of many serious men was the same as that popularly expressed (as to one of the two cases) in an irreverent epigram circulated at the time, that Lord Westbury had "dismissed eternal punishment with costs." The consequences were important. They verified a prediction on which I had ventured in 1850, in a letter to Lady Brodie,[2] that it would be "impossible to place limits to the influence which the Gorham Judgment might have in breaking down the landmarks between truth and error in the Church of England, not on the subject of baptism only,[3] but on others of even greater moment, on which the whole body of the Evangelical clergy would be as anxious to maintain them as myself." The effect was to give a new and powerful impulse to a school of destructive criticism introduced from Germany, which has since received large developments, and which, in its more advanced forms, can hardly be dis-

[1] *Moore's Privy Council Reports* (New Series), vol. ii. p. 375.

[2] *Ante*, pp. 67-70.

[3] As to Baptism, it is a fact (remarkable, and creditable to the Evangelical party) that the effect of the Gorham Judgment was not to increase the differences on that subject between them and High Churchmen, but rather the reverse. James Bowling Mozley (afterwards Regius Professor of Divinity) wrote, on the 1st January 1855: "I now entertain no doubt of the substantial justice of the Gorham decision" (Letters; Rivingtons, 1888; p. 227).

tinguished from general scepticism upon all theological questions.

While this was the effect of Lord Westbury's judgment in the direction of the speculations to which it seemed to give a charter of licence, it produced, in the opposite direction, a new development of practical antagonism to the existing system of judicature within the Church of England, tending to general anarchy, and to a deadlock, or something worse, in the relations between Church and State. It was then that the ominous words, that "either the Privy Council would destroy the Church, or the Church must destroy the Privy Council," escaped,—whether hastily or deliberately,—from Bishop Gray's pen, in a letter, afterwards published, to Mr. Keble.[1] They fell upon prepared ground, and have borne bitter fruit, and will (I fear) bear yet more before the end of this generation.

At the beginning of June 1864 a case was stated by Dr. Pusey and some of his friends for the joint opinion of Sir Hugh Cairns and myself, as to the effect of that decision, in point of law. A great many questions were asked, to which we could give no other reply than that there were no materials for determining them. Our opinion (dated the 7th of June 1864) was this :—

We understand these Judgments[2] merely as deciding that, in those particular cases, there was no offence against the law

[1] 17th September 1864. (*Life of Bishop Gray*, vol. ii. p. 164.)

[2] There was, in each of the two cases, a separate judgment; but they were delivered together, and commonly referred to as one.

pleaded or proved, unless the exact propositions stated by the Lord Chancellor could be deemed to be embodied in the formal and dogmatic teaching of the Church of England, so as to be rigorously binding upon every clergyman; which they were held not to be. But it would be most unsafe, and in fact impossible, to attempt to derive from these decisions any rule for the determination of other hypothetical cases, each of which (if it should ever assume a practical form) must depend upon its own circumstances.

Dr. Pusey wrote to me—

Great part of the Church, as you know, had been looking with intense anxiety and dismay at this Judgment. Every sort of opinion has been expressed upon it. The Rationalists have assumed that every denial of truth which I instanced in the Case is justified by that Judgment. What we want is a distinct statement, intelligible to every tolerably intelligent member of the Church, what that Judgment has left open, how much of truth it allows a clergyman to deny. I wish that you would lay down in simple words, precisely, what the legal effects of that Judgment are. I see that you do not state what the effect of a change of the Final Court of Appeal would be;—whether the decision of this Court would be binding upon any future Court of Appeal, supposing the Court to be changed. I conclude, from what you write, that you consider part of the grounds assigned by the Lord Chancellor to be binding on future Courts. We non-lawyers wish to know how much is binding;—whether any of what he said are *obiter dicta*;—what the value of those *obiter dicta* is;—in a word, how far the discipline of the whole Church is affected,—what we have to contend for. People are asking whether they shall leave her; Colonial Churches are considering whether they shall separate from her. A disruption is threatened, the end of which no one can foresee. We want to know, in the most definite way we can, what our exact position is, and what its remedies.

This letter drew from Sir Hugh Cairns and myself an explanation, which was appended as a postscript to our opinion:—

We understand the Lord Chancellor to have, in substance, founded his judgments upon a negative answer to the inquiry, whether every clergyman of the Church of England was strictly bound to affirm the two following propositions:—(1) That every part of every book of Holy Scripture was written under the Inspiration of the Holy Spirit, and is the Word of God:—(2) That it is impious and heretical to entertain or express a hope that even the ultimate pardon of the wicked who are condemned in the Day of Judgment may be consistent with the Will of Almighty God. These are the "exact propositions," referred to in our opinion.

In order to allay the general uneasiness of the clergy, the matter was brought before Convocation, when it met at the beginning of the following month. Committees were appointed by both Houses of the Convocation of Canterbury, to "examine and report" upon,—not the particular essays which had been the subject of the Privy Council Judgment, but the whole book called *Essays and Reviews*, in which they were contained; and, after receiving the Reports of those Committees, both Houses voted that "this Convocation does hereby Synodically condemn such book, as containing teachings contrary to the doctrines received by the United Church of England and Ireland, in common with the whole Catholic Church." Of this step Bishop Wilberforce was an active promoter.

A few days afterwards,[1] Lord Houghton raised a debate upon the subject in the House of Lords, to which I listened from the bar; and I heard Lord Westbury attack the Bishops, in a manner which I

[1] 15th July 1864.

suppose was without precedent in that House. He laid it down, with much unction, that everybody who had taken part in the vote of the two Houses of Convocation had incurred the penalties of "*Praemunire*"; and that, if exacted, the forfeiture of the Archbishop of Canterbury alone would be £30,000. He proceeded:—

Had I consulted the Law Officers, I have no doubt I should have been advised that, if there were a Synodical Judgment, it would be a violation of the law. I should then have been placed in the disagreeable position of having to advise a prosecution; and, entertaining, as I do, a sincere affection for the Episcopal Bench, and a sincere personal regard and affection for many members of the Episcopate, I am happy to find myself relieved from such great difficulty and embarrassment. But the question is a most serious one for the Right Reverend Bench; and, in the hope that I might save my right reverend friends from danger, I was extremely anxious to know from them what the thing was which they called a Synodical Judgment, but in which, as it seems, no person was condemned. . . . Assuming that the report of the Judgment which I have read is a correct one, I am happy to tell your Lordships that what is called a Synodical Judgment is a well-lubricated set of words,—a sentence so oily and saponaceous,[1] that no man can grasp it. Like an eel, it slips through your fingers. It is simply nothing; and I am glad to be able to tell my noble friend (Lord Houghton) that it is literally no sentence at all. . . . Convocation could not have been more successful, if they had Synodically sat down to produce a sentence of no meaning, than they were when in their labour they produced this *ridiculus mus*. . . . And though, if I desired to be strict and severe (as I have certainly no desire to be), I might bring the whole Body that have sought to exercise this jurisdiction within the penalties of the Statutes,—for they have equally broken the law, though their sentence is abortive,—

[1] A *sobriquet* of Bishop Wilberforce, often used by those who did not love him, was *Soapy Sam*.

yet I am happy to assure my noble friend that,—as no one is hurt by this oily form of words, as no one can say that he is injured by them,—having regard to the impotency of the thing. Her Majesty's Government intend to take no action in the matter. *Solvuntur tabulae risu.*

Archbishop Longley, with much dignity, answered, that what had been done was under the best legal advice,—that of Sir Hugh Cairns and Mr. Rolt. The Bishop of London, who dissented from the vote of Convocation, remonstrated against the Lord Chancellor's tone. And Bishop Wilberforce, as might be expected, was equal to the occasion.[1]

Lord Westbury had not yet done with ecclesiastical cases. On the 20th of March 1865 he delivered another Privy Council Judgment, not directly on any theological question, but in a case of much importance and interest to the Church, that of Bishop Colenso.[2] The other members of the Judicial Committee who heard that case, and of whom at least two must have concurred in the Judgment, were Lords Cranworth and Kingsdown, Sir John Romilly, and Dr. Lushington. Its effect was, to maintain in the position of a Colonial Bishop, exempt from all ecclesiastical jurisdiction, a man who had devoted his energies to the destructive criticism of the canonical Scriptures; and to do this, it strained, in a novel and anomalous way, the jurisdiction of the Queen in Council.

[1] His words are quoted in his *Life*, by his son R. G. Wilberforce, vol. iii. p. 141.

[2] *Moore's Privy Council Reports* (New Series), vol. iii. p. 115.

I had known Colenso, in the days when I used to examine at Harrow. I was once his guest for nearly a week there, when he was mathematical master under Christopher Wordsworth. He was a man of fine presence, a famous Cambridge mathematician, with considerable force of character. These, as far as I know, were his only qualifications for the office of Bishop; though it may be added, to his praise, that, when he filled it, he was zealous for justice to the native races of South Africa. The Bishopric of Cape Town, to which Dr. Gray, also a man of strong character, had been consecrated in 1847, originally included all the British Colonies in South Africa. It was subdivided, at Bishop Gray's own instance, in 1853; and the dioceses of Grahamstown and Natal were then formed out of it; for which purpose it was formally resigned by Bishop Gray, who accepted a new patent, reappointing him to the new or reduced diocese of Cape Town; while, by other simultaneous patents, Bishops Merriman and Colenso were appointed to Grahamstown and Natal. By the terms of all those patents of 1853, metropolitan jurisdiction was given to Bishop Gray and his successors, over the other two sees; with power to hear and adjudicate upon complaints against his suffragans, subject to an appeal from his judgments to the Archbishop of Canterbury. During the interval between 1847 and 1853 (in 1850), the Parliamentary system of government had been introduced by Royal Charter into the Cape Colony,—Natal was a Crown Colony

still. Bishop Gray himself, when in England, made choice of Colenso for the See of Natal; and, when consecrated to it on the 30th of November 1853, he took the oath of canonical obedience to Bishop Gray as Metropolitan. Ten years afterwards, he published a book upon the Pentateuch, inconsistent, in the view of most men, with the reception of the books current under the name of Moses as authoritative and Canonical Scriptures. For this, charges of contradicting the doctrine of the Anglican Church were exhibited against him before Bishop Gray; he was cited to appear, but declined to do so, protesting against the jurisdiction. The proceedings went on in his absence; the charges were held to be established; and on the 16th of December 1863 sentence of deprivation was pronounced against him.

Upon this, Bishop Colenso presented a petition to the Queen in Council not as an Appellant in the ordinary course from a court of lawful jurisdiction, but alleging the whole proceedings against him to have been without jurisdiction, and the sentence a mere nullity; and seeking redress on that footing. His contention was, that all the Letters Patent of 1853, so far as they purported to give the Bishop of Cape Town, or the Archbishop of Canterbury by way of appeal from him, jurisdiction, were null and void; because such jurisdiction could only be given by an authority competent to legislate for the Cape Colony; and the Crown had not been competent to legislate for the Cape Colony since the grant of Representative Institutions in 1850.

This petition was referred to the Law Officers; and it seemed to Sir Robert Phillimore and myself very difficult to understand how the Queen in Council could interfere summarily in such a case. If, as the petitioner insisted, there was no sentence of any Court or Judge having any lawful jurisdiction, there was nothing from which there could be an appeal. If, as he also insisted, wrong had been done to him in the Cape Colony, or in Natal, by Bishop Gray's proceedings, there appeared to be no reason why he should not seek his remedy in the ordinary course of law in the Colonial Courts, from which, if he were dissatisfied with their decision, a regular Appeal to the Queen in Council would lie. For this course there was a very recent precedent, which seemed directly in point:—Bishop Gray had assumed jurisdiction over a clergyman of the Cape Colony, named Long, and had pronounced a sentence against him; Mr. Long had sought redress in the Colonial Court where he failed, and had appealed successfully to the Queen in Council.[1] If, on the other hand, the Letters Patent were valid, and had the effect of giving jurisdiction over the Bishop of Natal to the Bishop of Cape Town as Metropolitan, the course of Appeal to the Archbishop of Canterbury, prescribed by them, ought to be pursued. Sir Robert Phillimore doubted whether a petition so anomalous and irregular ought to be referred to the Judicial Committee; but it seemed to me that, however irregular and unprecedented it might be, it

[1] *Moore's Privy Council Reports* (New Series), vol. i. p. 411.

would be for the Judicial Committee, and not for the Law Officers of the Crown, to decide that it could not be entertained,—especially as there was in the statute constituting the Judicial Committee a clause (open to exception in principle, and to great possible abuse, but which had been sometimes acted on), by which the Queen was empowered to refer to the Judicial Committee, for hearing or consideration, *any matters whatsoever;* and the Committee was authorised, on any such reference, to give such advice to the Crown as it might think fit.

Bishop Colenso's petition was, therefore, referred to the Judicial Committee; and, after a full argument on both sides, the Committee advised the Crown that the proceedings of the Bishop of Cape Town, and his sentence against the Bishop of Natal, were null and void in law;—on the ground that the Crown had, in 1853, no power to grant or create any ecclesiastical jurisdiction whatever in the Cape Colony, and that all the Letters Patent of that year were void, so far as they purported either to give such a jurisdiction to the Bishop of Cape Town, or to place the Bishop of Natal under it. The objections, which to Sir Robert Phillimore and myself had seemed strong against the assumption of jurisdiction in the case by the Queen or the Judicial Committee, were summarily overruled.

This important question (said Lord Westbury) can be decided only by the Sovereign, as head of the Established Church, and depositary of the ultimate appellate jurisdiction.

Before the Reformation, in a dispute of this nature between two independent Prelates, an appeal would have lain to the Pope; but all appellate authority of the Pope over members of the Established Church is by the Statute vested in the Crown. It is the settled prerogative of the Crown to receive appeals in all colonial causes; and by the 25th Henry VIII. cap. 19 (by which the mode of the Appeal to the Crown in ecclesiastical causes is directed), it is by the 4th section enacted, that "for lack of justice at or in any of the Courts of the Archbishops of this realm, or in any of the King's dominions, it shall be lawful to appeal to the King's Majesty in the King's Court of Chancery,"—an enactment which gave rise to the Commission of Delegates, for which this tribunal is now substituted. Unless a controversy, such as that which is presented by this appeal and petition, falls to be determined by the ultimate jurisdiction of the Crown, it is plain that there would be a denial of justice, and no remedy for great public inconvenience and mischief.

His Lordship added that in this case there was also an order of reference, under the clause of the Statute of 1833, enabling the Crown to refer to the Judicial Committee "any matters whatsoever";—this, however (he said), was "unnecessary." The Judgment, therefore, proceeded upon the other reasons assigned;—which were applicable, and *only* applicable, to the course of appeals in an Established Church, from Courts having lawful jurisdiction within the dominions of the Crown. But the foundation of the decision upon the merits was, that in the Cape Colony, after the creation of an independent Legislature in 1850, the Crown had no power, by virtue of its prerogative, "to establish a Metropolitan See or Province, or to create an ecclesiastical Corporation, whose *status*, rights, and authority the Colony could be required to recognise." There was

not, therefore, any Established Church in the Cape Colony, or any ecclesiastical Court having lawful jurisdiction; there was nothing to which the English ecclesiastical statutes of the sixteenth century could apply. As to the suggestion of a "denial of justice," and "no remedy for great public inconvenience and mischief," Mr. Long's case, already mentioned, which Lord Westbury cited for another purpose in his Judgment, seemed to be a complete refutation of it.

Very soon after the delivery of that Judgment, a storm which had been for some time gathering burst upon Lord Westbury's head. He did not, in the plenitude of his power, bear his faculties meekly; the air was full of strange rumours about him; and some of his indiscretions provoked dangerous resentments. There was a Registrar in the Leeds Bankruptcy Court, who had been negligent or incapable in his office. He was, by pressure put upon him, compelled to retire, and the Lord Chancellor awarded him a pension, without any sufficient medical certificate. The report was, that this place was intended for the Lord Chancellor's eldest son, who was or had been one of his secretaries, but who, for reasons generally known, was not worthy of his confidence. This matter was brought forward in the House of Commons, first by questions addressed to me on the 15th May 1865, which I answered under Lord Westbury's instructions; and again, on the 23rd of May, by a motion for a Committee of Inquiry; to which (Lord Westbury not objecting) the Govern-

ment agreed. That Committee brought to light some very discreditable dealing, not of Lord Westbury, but of his eldest son, with reference to the disposal of the Leeds Registrarship, not in the son's own favour, but for the benefit of another person. The Report completely exonerated Lord Westbury from all participation in or knowledge of that arrangement, and from everything else which was dishonourable; but it blamed him for negligence, in granting a pension to an officer whose retirement had been rendered necessary, not by failure of health, but by want of diligence or capacity in the performance of his duties. I hoped that the matter would have rested there; but it did not. The chairman of the Committee, Mr. Ward Hunt, moved a vote of censure upon the Lord Chancellor, on the 3rd of July. The Government attempted in vain to parry it, by an amendment proposing that for the future no legal pensions should be granted, except by the Treasury on the Lord Chancellor's advice; and, after a short debate, the vote of censure (slightly altered in form on Mr. Bouverie's suggestion) was carried by a majority of 14. Mr. Bouverie, in his speech, went so far behind the Report of the Committee as to allude to other things about which rumours were current in society, but which, not being openly brought forward, neither Lord Westbury nor his friends could meet. Against this, in the speech which I made in his defence, I strongly protested, but neither protest nor argument was of any avail. "Feebly attacked, and very weakly

defended,"[1] was the criticism of the *Times* upon the debate; and it is true that the circumstances made the defence, partly against a censure so attenuated as that for which alone the Report of the Committee furnished ground, and partly against intangible accusations, rather insinuated than expressed, extremely difficult. Nevertheless, I did what I could; and Lord Westbury's family were not dissatisfied with the way in which I did it, as I had the gratification of learning from a letter which his son-in-law, my old friend and schoolfellow Thomas Edward Abraham (then a clergyman in Suffolk, and a very good one), wrote me on the 8th of July:—

> My wife and I both feel your kindness so strongly, in standing by the Chancellor through his troubles, that I cannot help sending a line to thank you. I never recollect reading more bitter or more incessant attacks, than have been directed against him by the greater part of the Press for the last three months; and it must have required great courage from any one even of his best friends to get up in the House and say as much for him as you did. It is very sad to think that a man of such great powers should have met with such a fall; and, still more, to think that his strong affection for his children has been one of the chief causes of bringing it about. My only hope is that he will not retire from public life with this slur upon him; and that, when time has somewhat softened the present bitterness of feeling against him, he will meet with more justice than he has received, at least in some quarters.

Lord Westbury resigned the Great Seal on the day after that vote of the House of Commons, and took leave of the House of Lords, as their Speaker, on the same evening, in a speech of much right

[1] *Times;* 4th July 1865.

feeling. When he went to Windsor to deliver up the Seal into the Queen's hands, as he descended the castle staircase, he met Bishop Wilberforce going up; and in the Bishop's *Life*,[1] a curious conversation between them, not at the time, but soon afterwards in the House of Lords, is recorded:—

> Lord Westbury said, "Do you remember where we last met?" The Bishop: "No." Lord Westbury: "It was in the hour of my humiliation, when I was leaving the Queen's closet, having given up the Great Seal. I met you on the stairs as I was coming out, and I felt inclined to say, 'Hast thou found me, O mine enemy?'"[2] The Bishop, in relating this, used to say, "I never was so tempted in my life as I was then to finish the quotation; but by a great effort I kept it down, and said, 'Does your lordship remember the end of the quotation?'" Lord Westbury: "We lawyers, my Lord Bishop, are not in the habit of quoting part of a passage without knowing the whole." The end of the quotation is, "Yea, I have found thee; because thou hast sold thyself to work iniquity."

Eight years afterwards, these two men, each conspicuous above his fellows, died within a day of each other. Lord Westbury never after his resignation took any prominent part in public life. I shall have occasion to mention him more than once again, in connection with affairs in which I was an actor; but there can be no fitter opportunity than the present for speaking of his character. I have never known any other man in whom strength and weakness were so strangely blended. His natural powers were vigorous and masculine; and he compelled all who heard him, whether in Parliament, or at the Bar, or as a Judge upon the Bench, to acknowledge and

[1] Vol. iii. pp. 143, 144.

[2] 1 Kings xxi. 20.

admire them. They were set off by comeliness of person, well-formed, regular features, a sanguine complexion, an expression smooth, with a dash of turbulence. His style of oratory was artificial, and his articulation precise and affected; but these peculiarities, united with an imperious temper, a considerable fund of sarcasm and humour, and a superb confidence in himself, made him always caustic and incisive, and formidable to antagonists. Not very profound as a lawyer, nor serious or earnest as a politician, his independence of mind, and quick mastery of all questions which he had to decide, won for him a judicial reputation greater than that of his rivals and contemporaries, and certainly greater than the quality of his performances as a Judge can explain; and it made him effective as a partisan in the House of Commons, beyond all other lawyers of his time. He was not restrained by either caution or reverence from saying anything, however audacious. But his opinions, expressed as if they had been the strongest and best settled in the world, in reality sat loosely upon him; and those who knew him well were surprised at the facility with which he could shift from one opinion to another. This versatility was the fundamental cause of his faults and inconsistencies. Strange as it may seem, there was in him, mixed with all that was artificial, an element of extraordinary simplicity (what the Greeks called εὐήθεια), a want of tact and practical good sense, in which may be found the explanation of the errors and oversights which produced his fall. His mind

was not sufficiently in touch with the minds of other men. His affections and natural dispositions were strong and generous;[1] but his individual life was in a contracted world, which prevented him from thoroughly understanding himself or the proprieties of his position, and blinded his eyes to some things which it was dangerous not to see.

His peculiarities might be accounted for by the circumstances of his early life. He was brought up in a small country town, where his father was a medical man of narrow means. He was never at a public school; and he was sent very young (when not more than fifteen) to Wadham College at Oxford, the members of which did not mix much with the general society of the University. There he greatly distinguished himself, but under the disadvantage of being a boy among men,—a disadvantage of which his affected manners and unreal habits of thought were probably the fruit. He was no exception to the rule, that the "golden mean" is better for a man than too great prosperity. Great prosperity threw his mind off its balance. But there never ceased to be in him a nobler element, of which I, personally, had frequent experience.

[1] He wrote to me, on the 15th of May 1873, when suffering from the painful disorder of which he died (the nature of which had just then been discovered):—"When I was made Lord Chancellor, I may truly say, the chief feeling that arose in my mind was not of pride or gratified vanity, but of sincere gratitude and delight, that I had lived to fulfil the predictions and the fond hopes of my father, to whom I owed all my education, and all the means that had enabled me to fulfil what, when they were first formed, were but wild anticipations."

On the 5th of July, the day on which Parliament was dissolved, I received a note from Lord Palmerston, asking me to call upon him. I went; not (I confess) without an expectation that the place of Lord Chancellor was going to be offered me. But Lord Palmerston's communication was, that Lord Cranworth would resume that office. I did not conceal from him that it was an announcement perfectly agreeable to me; and we parted, after as short an interview as was possible. I had no desire at all to rise by Lord Westbury's fall; I had the most sincere friendship for Lord Cranworth, and thought him ill used when passed over in 1859, and again in 1861; and it was better for my personal interests, and those of my family, that I should remain for some years longer at the Bar.

To the congratulations of myself and my wife Lord and Lady Cranworth sent most cordial replies. He said:—"The post is one to which you might naturally have aspired; and, had it fallen to you, no one would have congratulated you with more sincerity than I should have done." Lady Cranworth wrote to my wife:—"It was so very good of you to think of coming to see me when you first heard the news; so like your great kindness and friendship, which has never varied in cloud or sunshine. It is indeed a great matter of thankfulness in my heart to see my husband in his old place, and so cordially welcomed by his colleagues and old friends on all sides: but I know we both lose something in the return to work and heavy responsibilities. That Cranworth has to

work with your husband is, however, a real matter of joy to his heart."

Lord Cranworth's second Chancellorship lasted only one year. Before the Government which took office in the summer of 1866 had gone out again, we lost both those friends. Lady Cranworth died early in 1868; her husband in July of the same year. Take him for all in all, he was one of the best Chancellors I have known. Others had more splendid gifts; but in him there was nothing erratic, nothing unequal. In steady good sense, judicial patience and impartiality, and freedom from prejudice, he was surpassed by none.

On the 18th of October 1865, Lord Palmerston died, soon after the general election, which had confirmed him in power. He was in his eighty-second year. His authority in Parliament and the Cabinet was maintained to the end; but age had told upon him, and the reins hung loosely from his hands. Although I served under him for four years, and found him always frank and cordial, the relations which I had with him were only such as were necessary. It was not his habit (as it was of some among his colleagues) to communicate much personally with the Law Officers; and I was never on terms of private intimacy with him. He looked upon me, I have no doubt, as belonging to Mr. Gladstone's political *entourage*, rather than his own;—he must have remembered, though without resentment, my former differences from his foreign policy;—and he probably saw my ecclesiastical predilections through

Lord Shaftesbury's eyes. If there had been no other reason for his not offering me the Great Seal, it is likely that he might have been indisposed to place Church patronage in my hands. I had, under these circumstances, no better opportunities than other men of observing his character. The impression he made upon me was that of a strong resolute man of the world, whose energies were concentrated upon a few subjects, in which he had been interested from his youth; in foreign politics, adventurous and high-handed; in domestic, opportunist and Epicurean, disinclined towards change, hardly caring enough about them to contribute anything valuable towards the information or guidance of public opinion. He was generous to his subordinates; with his equals frank in manner, but circumspect in action; in conversation easy, but not copious; keeping generally his own counsel. To a casual observer, who knew nothing of him but what might be gathered from his appearance, conversation, and manners, he might have seemed to be no more than a manly Englishman of a commonplace type. Of his higher gifts,—shrewdness, address, perseverance, great force of will, and a strong practical intellect, without either the ornaments or the faults of genius, — he was seldom ostentatious. He was no orator; I only remember one occasion (the Pacifico debate) on which he made a very remarkable speech. Ambitious always, he had his ambition perfectly under control. A skilful Parliamentary tactician, when he received a check, or even what for the time seemed a fall, he bore it

patiently, and kept his temper, not making things worse by needless explanation or recrimination. When compelled to be independent, he was formidable: no one knew better how to trip up a Ministry from which he was excluded, without breaking with his party, or provoking irreconcilable personal enmities. All these things were to him moves in the game, and he was ready, when the convenient time came, to act again with those who had opposed him, or whom he had himself opposed, and (if necessary) to forgo or postpone his own pretensions. Thus he waited for his opportunities, and used them when they came, prevailing in the end, without restlessness or unnecessary self-assertion, over all his rivals. The prize of the highest place in Government fell, at a critical time, by almost general acclamation, into his hands,—at an advanced age, indeed, but when his faculties seemed as strong as ever; and the same qualities by which he rose to it made him, when it was obtained, a powerful and popular Minister, whom neither the efforts of his opponents, nor any mistakes of his own, could degrade from pre-eminence in his party till he died, or keep long from the chief conduct of affairs.

He was succeeded as Prime Minister by Lord Russell, and by Gladstone as leader of the House of Commons. A new era in English politics began. At the general election of 1865 Gladstone lost his seat for Oxford, and, without a moment's delay, transferred himself to South Lancashire. He spoke of the constituency which had rejected, to that which welcomed

him, becomingly enough,—but as one who had got rid of a restraint,[1] of which he had been impatient for some time past.

[1] He was reported to have spoken of himself as "unmuzzled," a curious coincidence of thought and expression with what was said of him by Lord Palmerston to Lord Shaftesbury. (Hodder's *Life of Lord Shaftesbury*, vol. iii. pp. 187, 188.)

APPENDIX

THE following letter from my Father to my brother Horsley, previous to his ordination in 1850, came into my hands too late to be inserted in its proper place :—

MY DEAR HORSLEY—I can truly say that you have been always in my mind; and I thank God for all that chain of accident, which has led to and ended in the desire of receiving Holy Orders as the business and profession of your life. I pray God it may be accepted of Him, and He may be pleased to enable you to do a good and profitable service.

I shall wish to pray *with* you, as well as *for* you, for the Divine aid in the objects we have in view; and propose several short forms or collects (three of which are taken from the Prayer-Book), which I think may properly express our desires and our wants. If it be agreeable to you, I will come to the cottage[1] at a quarter before eight (nothing preventing) every morning from Easter Day to Whitsunday, for the purpose: and I will add here a few observations on the questions that occur in the Ordination Service, which the candidates are required to answer:—questions, assuredly, which ought to be considered and understood beforehand, that the answers may be given, as they ought to be, *ex animo et corde*,[2] to make the recurrence to them at any future period at once useful and satisfactory; useful, as reminding us of the obligations under which we have been brought; satisfactory, in the consciousness of a thoughtful and honest intention.

Before doing this, I should wish to say a word on the natural feelings and objects, of which I apprehend every one must be conscious

[1] A cottage built by my Father at the end of the Rectory Garden at Mixbury, in which, after they were grown up, his bachelor sons were generally lodged.

[2] From the whole mind and heart.

in the beginning of life, more or less, who consults and examines his own heart.

First, it may be observed generally, that what is really natural must be approved by Him who made it so; and, though nature be depraved in us, it is capable of being restored, and subjected to the Law of God in Christ.

It is quite natural for the young, without experience, in choosing a profession, to contemplate for themselves, in the way of profit or enjoyment, such advantages as seem to belong to it, suitable to their own powers and desires; in which, if they happen to be overruled in the one, or disappointed in the other, it is no way derogatory to the integrity of their motives, or of God's blessing upon the same: but, on the contrary, as we may have acted in dependence upon God and in due submission to His will, the believing mind will be apt to consider disappointment rather a proof of God's care for us, and of His goodness towards us, and of His acceptance of our persons. Nor less, although at the close of life we should even be obliged to say, with one of the most favoured among men, "Few and evil have the days of the years of my life been."[1]

Nor yet, although it has pleased God, for wise purposes, that in all things belonging to the present life men should be "made subject to vanity,"[2] are the common objects of natural desire to be condemned, as fruitless and unworthy of us. For they are agreeable to that order of Providence, by which God made men such as they are, and ordained present things for them to be exercised with, wherein they might do good, and assist and edify one another, to the glory of God.

It is clear, therefore, that we ought to be actively engaged, one way or another, in the common business of life; and that seclusion from society and the world cannot be generally agreeable to our Lord's will, or coveted and praised for its own sake. "No man lighteth a candle, and putteth it under a bushel,"[3] etc.—"Let your light shine forth before men."[4]—"I pray not that thou shouldest take them out of the world."[5] And many other texts prove the same thing.

Yet, in mixing with the world, and taking part in the common objects and pursuits of men, it is incumbent on us always to remember for what greater objects they were meant to serve, and in what they must necessarily end.

Of the answers required of candidates, and the engagements entered into by them at *the time* of their ordination:—

[1] Genesis xlvii. 9. [2] Romans viii. 20. [3] Matthew v. 15; Luke viii. 16.
[4] Matthew v. 16. [5] John xvii. 15.

There are seven questions, very solemnly put by the Bishop *ex cathedra* who is about to ordain to the candidates for deacons' orders, and eight to the candidates for priests';—all of which require previous thought and consideration, that they may not afterwards prove a snare to them to whom the answers they should give ought rather to be a strength and stay in the faithful performance of the duties of their high and holy office.

Of the seven questions put to the deacons, the four last relate to certain engagements, under which the candidates bring themselves in the future performance of the duties of the order into which they ask to be admitted.

The terms in which they are put require no comment, but only they should be considered beforehand, and concluded to be such as are proper and necessary to the profession, reasonably required, and readily to be assented to. The answers will then be given with a fixed purpose of mind to make the engagement good. And a recurrence to them at any future time cannot fail to have a wholesome effect.

The last six questions proposed to the priests are of a like form and nature, and require no other comment.

But the previous questions are of another kind; of which, while there are three proposed to the deacons, two only *in form* occur in the ordination of priests; although the first question put to the candidate for deacon's orders must be understood in the second, which stands alone and first with the priests.

To answer such questions safely and satisfactorily, it is quite necessary they should be understood. I offer what follows.

The first question:—"*Dost thou trust that thou art inwardly moved by the Holy Ghost?*"

It is to be observed that there is an outward call, as well as an inward motion, and these are neither to be confounded together as one and the same, nor yet considered as absolutely distinct and unconnected; but the inward motion of the Spirit is to be understood with reference to the outward call.

Whenever any service is required in the cause of God or man, which we are capable of rendering and free to render if we choose, there is an outward call.

Again, when parents have educated and brought up their children (as they have right to do) with a view to some particular business or profession,—or if any other accident without ourselves have led us to consider of it, and upon consideration we see sufficient reason for adopting it,—such circumstances, being not without the Providence of

God, are to be acknowledged as an outward call of God. And the various employments of life, on which men enter for no other reason, are said to be "That state of life unto which it hath pleased God to call them";[1]—which must be allowed of all as true, who believe in the Providence of God overruling everything for good.

There are also other circumstances, more than can be enumerated, which may well be taken to involve an outward call; as, a good example present to us in the persons of those with whom we happen to be most nearly and naturally connected, creating a desire of becoming such as they are; which gives occasion to so common a thing, as children of choice devoting themselves to the calling and profession of their fathers; a disposition which seems to be recognised as legitimate and good by the circumstance of a Divine Law having been, once at least, framed in correspondence with it.

The outward call, then, being found in those accidents which led originally to the contemplation of the profession, the way in which it is received and viewed, and the desire which consequently arises in the mind towards it and the duties it involves, constitute the inward motions of the Spirit, which are the object of the question, of which we can hardly doubt the origin, if we consider their nature. For it is the Holy Ghost *that putteth into our minds good desires.*[2]

Certainly, although the outward call be undoubted and immediate, and even direct (as from our Lord Himself), there may be motives in embracing it which admit not of any such conclusion; as, when the worldly advantages and endowments of the profession are the things for the sake of which chiefly it is embraced, rather than an honest desire to do the will of God in serving to the ends of His salvation, and (for the personal object or reward) meriting His approbation in the service.

But if we know within us, that neither the means of living alone, nor pride, nor ease, nor vanity, nor any of the common natural desires of this life are the ruling principle within us, but that we are alive to the better interest of our souls, and the awful alternative of life and death that awaits us, one and all, as we use or abuse the present—(of life, through God's mercy, by faith in His Son, Jesus Christ,—of death, through the fault of the nature we have inherited, and our own demerits if we die in our sins, not embracing the mercy that is extended to us)—if we are thus possessed with the desire of obtaining

[1] Church Catechism—Answer to question: "What is thy duty towards thy neighbour?"

[2] Collect for Easter Day.

salvation for ourselves and promoting it in the case of others; and if we make this our object in embracing a profession whose very business this is, we cannot but *trust and believe that we are herein* "*inwardly moved by the Holy Ghost.*" And, as we are honest and earnest in our endeavours, by correcting in ourselves first what is offensive, not in the eyes of the world only, but also in the secrecy of our own hearts, that we may set an example to others of the holiness we are bound to inculcate, and by studying to learn that we may teach; if so it be our object and desire to do our Lord's will in the office whereto we may be appointed, we may pray continually, with a firm trust of being heard, for guidance in our course, and a blessing upon our labours. "Take heed unto thyself, and unto the doctrine; for in so doing thou shalt both save thyself and them that hear thee."[1]

The second question put to the deacon-candidate, "*Dost thou think that thou art truly called, according to the will of our Lord Jesus Christ, and the due order of this realm?*" is so nearly allied to the first, that this is understood to be included in it, as it well may; and so it is put alone, and the other omitted, in the office for the ordination of priests. Yet hath it, notwithstanding, a further scope and intention of its own.

To be called to the ministry of the Church, according to the will of Christ, is to be called according to the order appointed and first used by the Apostles, to whom our Lord was pleased to make over and give His own authority; and the question, therefore, embraces a knowledge of what that original appointment was, namely, of a Church overlooked and governed by its bishop, assisted by priests or presbyters of his ordination and appointment, and these again by deacons of his ordination also. This must be taken for "*the will of our Lord Jesus Christ.*"

"*The due order of the Realm*" is nothing different or distinct from this, but rather a *recognition of it*, and of the government of Christ's Church according to the will of the Lord, by bishops, priests, and deacons.

The question, then, implying a knowledge of this constitution, requires a consciousness of thought (*Dost thou think?*) that the call, and motion or desire in the candidate's own mind is in accordance with the same "will of the Lord, and order of the realm"; to the rejection of every different claim to the office of the ministry upon other grounds, whether it be by a person judging himself qualified and fancying he hath a call, and so undertaking to be a preacher and

[1] 1 Timothy iv. 16.

minister unsent, and of his own accord; or whether designated by the civil power, or the head of some society, association, or family; or chosen by any number of private individuals, disposed to use him as such at their own pleasure.

The "order of the realm" is also rightly understood of all such regulations, in which the civil power takes part, as (in accordance with the Divine Law and Constitution of the Church) affect the circumstances and condition and due employment in the profession of the persons to be ordained; and that the same have been duly considered and attended to in the first instance.

The third question, "*Dost thou unfeignedly believe all the canonical books?*" etc., is to be understood to inquire whether we believe the canonical books to contain the Word of God given by inspiration, according to that of the Apostle—"All scripture is given by inspiration of God, and is profitable" (in various ways, not every Scripture in every way, but as it may be truly applied) "for doctrine, for reproof, for correction, for instruction in righteousness";[1] which belief, and that of their general truth, is the foundation of the question we find in the case of a priest-candidate, in the place of this, which is omitted: "*Are you persuaded that the Holy Scriptures sufficiently contain all doctrine required of necessity for salvation through our Lord Jesus Christ?*" etc.

I trust what I have observed above is enough for grounds of confidence and satisfaction in the answers, to be given seriously and aforethought, and not off-hand upon the occasion, to the questions very solemnly put at the time of ordination. And if anything not here noticed arises in your own mind upon them, I will endeavour to answer it.

THE PRAYERS

I. Our Lord's Prayer.

"II. O Lord, from whom all good things do come," etc. [Collect for fifth Sunday after Easter.]

"III. O Almighty God, the giver of all good gifts," etc. [Second form of prayer for Ember weeks.]

"IV. Prevent us, O Lord, in all our doings with Thy most gracious favour," etc. [Collect at the end of Communion office.]

"V. O merciful God, the Father of our Lord Jesus Christ, who puttest into our hearts good desires, comfort us even now, we beseech Thee, with a faithful trust that what we seek and desire is of the

[1] 2 Timothy iii. 16.

motion of Thy Holy Spirit within us, and so according to Thy will; and strengthen us with the hope that by the same Spirit Thou wilt assist and enable us to serve Thee faithfully in whatever station it may be Thy good pleasure we should be placed; through Jesus Christ our Lord. Amen."

"VI. O Almighty God, who hast called us, as believers in Thy Son, with an holy calling, give us such grace, as that our light may shine before the world according to our Lord's will; and especially, if it shall please Thee that we should be ordained to any office of administration in Thy Church, that we may learn not to depend upon our calling only, and upon the authority of Thy word, but to make it our earnest endeavour that our lives may adorn our profession, and that our brethren, before whom we stand, may be persuaded as well by what they see in us, as by the words they hear from us; through Jesus Christ our Lord. Amen."

"VII. (Privately.)

"Hear us, O Lord, for His sake, in whose Name we put up our petitions, Jesus Christ, Thy Son, our Lord. Amen."

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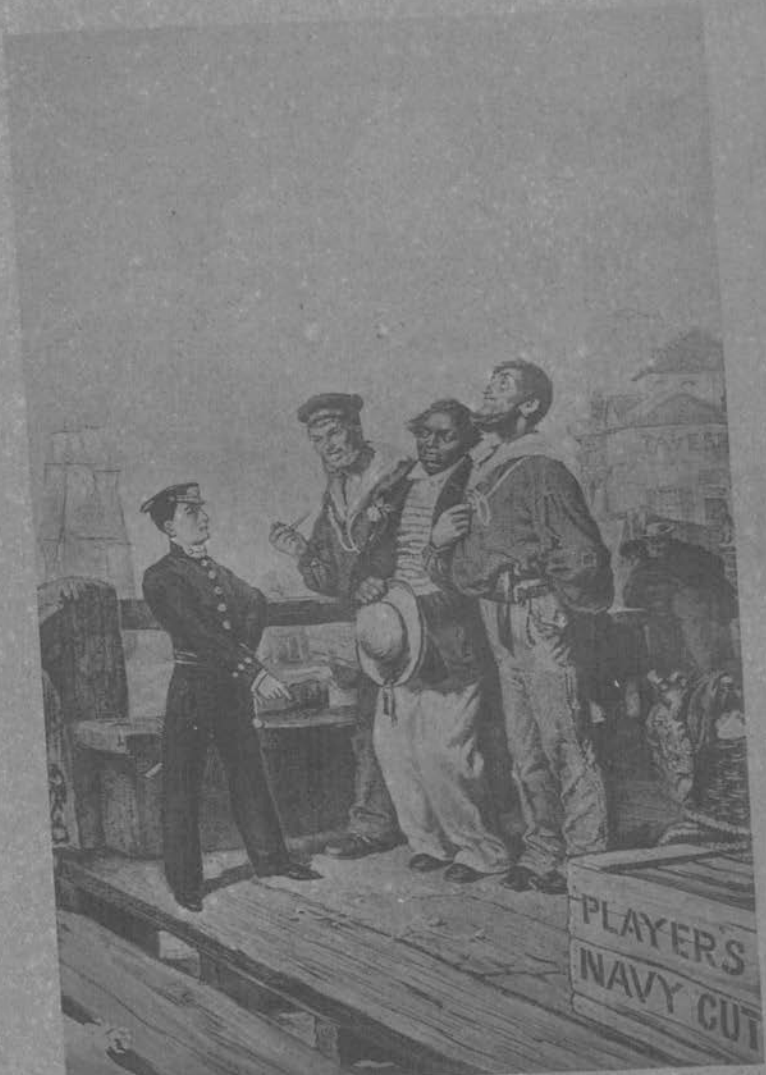
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